

Missouri Senate

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JOURNAL OF THE SENATE

EIGHTY-NINTH GENERAL ASSEMBLY

OF THE

STATE OF MISSOURI

FIRST REGULAR SESSION

FIRST DAY--WEDNESDAY, JANUARY 8, 1997

The Senate was called to order at 12:00 noon by Lieutenant Governor Roger Wilson.

The Reverend G. Dale Norfolk, Chaplain of the Senate, offered the following prayer:

Our Father in Heaven, we need Your help more than ever before. People are skeptical about our democratic process. Many see elected officials as finger pointers and blame finders instead of problem solvers. We pray that this session will be the one that restores faith in our government. We pray that this session will renew a pride in where we live, who we are and what we are about. In Jesus Name we pray. Amen.

Senator Quick announced that photographers from the Senate; KOLR-TV, Springfield; The Kansas City Star; the Associated Press; The Columbia Missourian; KDNL-TV, St. Louis; Jefferson City News Tribune; KPLR-TV, St. Louis; and KMIZ-TV, Columbia, had been given permission to take pictures in the Senate Chamber and gallery today and that guests had been given permission to use flash equipment.

Senator Quick submitted the following appointments of officers for the temporary organization, which were read:

President Pro Tem . . . William P. McKenna

Secretary of Senate . . . Terry L. Spieler

Sergeant-at-Arms. . .Lester Marcum

Doorkeeper.Rex Adams

Chaplain. Reverend G. Dale Norfolk

Senator Quick moved that the above officers be elected as temporary officers, which motion prevailed.

RESOLUTIONS

Senator Quick offered the following resolution, which was read:

SENATE RESOLUTION NO. 1

BE IT RESOLVED, by the Senate of the Eighty-ninth General Assembly of Missouri, First Regular Session, that the rules adopted by the Eighty-eighth General Assembly, Second Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the Senate of the Eighty-ninth General Assembly, First Regular Session, until permanent rules are adopted.

Senator Quick moved that the above resolution be adopted, which motion prevailed.

MESSAGES FROM THE

SECRETARY OF STATE

The President laid before the Senate the following communication from the Secretary of State, which was read:

To the Honorable Senate of the Eighty-Ninth General Assembly, First Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri, 1994, I have the honor to lay before your honorable body herewith a list of the names of the members of the Senate of the Eighty-Ninth General Assembly (First Regular Session) of the State of Missouri elected at the General Election held on the 5th day of November, 1996 in accordance with the returns of said election on file in my office; also a list of the names of the Senators elected in 1994 and holding over.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affix the official seal of my office this 3rd day of January, 1997.

Rebecca McDowell Cook

SECRETARY OF STATE

MISSOURI STATE SENATORS ELECTED NOVEMBER 5, 1996

District	Name
1st	Anita T. Yeckel
3rd	John E. Scott
5th	J. B. (Jet) Banks
7th	Francis E. Flotron, Jr.
9th	Phil B. Curls, Sr.
11th	Ronnie De Pasco
13th	Wayne Goode
15th	Walt Mueller
17th	Edward E. Quick
19th	Ken Jacob
21st	James L. (Jim) Mathewson
23rd	Steve Ehlmann
25th	Jerry T. Howard
27th	Peter Kinder
29th	Doyle Childers
31st	Harold L. Caskey
33rd	John T. Russell

MISSOURI STATE SENATORS ELECTED NOVEMBER 8, 1994

District	Name
2nd	Ted House

4th	Wm. (Lacy) Clay Jr.
6th	Larry Rohrbach
8th	Bill Kenney
10th	Harry Wiggins
12th	Sam Graves
14th	John D. Schneider
16th	Michael J. (Mike) Lybyer
18th	Joe Maxwell
20th	Danny Staples
22nd	William P. (Bill) McKenna
24th	Betty Sims
26th	David J. Klarich
28th	Morris Westfall
30th	Roseann Bentley
32nd	Marvin A. Singleton
34th	Sidney Johnson

The newly elected Senators advanced to the bar and subscribed to the oath of office, which was administered by the Honorable John Lyon Anderson, Circuit Judge, Jefferson County.

On roll call the following Senators were present:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

Senator Quick moved that the Senate proceed to perfect its organization, which motion prevailed.

Senator Wiggins nominated Senator William McKenna for President Pro Tem.

No other nominations being made, Senator McKenna was elected President Pro Tem by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Senator McKenna was escorted to the dais by Senator Staples and subscribed to the oath of office administered by Judge Anderson.

President Pro Tem McKenna assumed the dais and addressed the members of the Senate.

Opening Address

Senate President Pro Tem

Bill McKenna

January 8, 1997

Lt. Gov. Wilson, Judge John Anderson, distinguished guests, fellow senators, friends and family members. I would like to welcome each of you to the opening of the First Regular Session of the 89th Missouri General Assembly.

At this time, I would like to introduce some people who are very special to me: my son, Ryan McKenna, daughter, Lisa McKenna and my special friend Debbie Bell.

It's only appropriate that I begin by thanking each of you for allowing me to serve this chamber and this great State as your president pro tem. Come May 16th, I might not be so grateful and you might not be so hopeful.

For all of us in public office it is a distinct honor and privilege to serve our fellow citizens. My constituents have bestowed this privilege upon me both in the House of Representatives and here in the Senate.

I consider myself very fortunate to have had the opportunity to serve this State as a lawmaker. Like each of you, I've worked long and hard to be worthy of the responsibilities my constituents have entrusted to me.

In addition to serving the people of my district, I now have the honor and privilege of serving my fellow senators and the citizens of this great State as president pro tem.

I can't think of a more impressive or demanding constituency than my peers. And like the citizens I represent, I hereby give each of you my pledge of honor to serve to the best of my talents and abilities.

I feel very lucky to follow in the footsteps of good leaders -- make that great leaders -- like presidents pro tem Jim Mathewson and John Scott -- and floor leaders like J. B. "Jet" Banks, the distinguished Senator from the Fifth.

As a citizen, I owe these gentlemen an enormous debt of gratitude for the time and personal sacrifices they have made for the people of this great State.

As a lawmaker, I greatly appreciate the experience and knowledge that they have shared with me. I have learned many things from each of them.

As president pro tem, I will endeavor to build upon their examples as leaders of the Missouri Senate. What a great job they have done. Thank all of you very much.

I was talking to the Senator from the 3rd and I told him I was a little worried about this new job and that I hoped to learn from my mistakes. The Senator from the 3rd looked at me and said "McKenna, with the amount of mistakes you've made in the Senate so far, you'll no doubt have plenty of learning opportunities."

There are only three lawmakers here today who can truthfully say they've never made a mistake on the floor of the Senate. Of course, those are the Senate's three new members. I'd like to take this opportunity to welcome to the Missouri Senate the new Senator from the 1st, Anita Yeckel, the new Senator from Boone, Ken Jacob and the new Senator from the 29th, Doyle Childers. I congratulate each of you on your election and I heartily welcome you to our Senate family.

As most of you know, the Senator from the 1st is a freshman legislator who, like all freshman lawmakers, is eager to conquer the world. I am sure she will do just fine. On the other hand, the Senate stands ready to help our two former State representatives overcome any bad habits they may have picked up in the House. I am supremely confident that the Senate will help our new colleagues get their feet wet, whether they want our help or not.

We all know that each General Assembly brings its own issues and challenges. Some are the kind of challenges elected officials in most states can only dream about: challenges like cutting taxes.

Let me say that again: CUTTING TAXES.

It would be hard to find a more popular issue than cutting taxes. The only drawback is that in this chamber we have more ideas on how to cut taxes than we have taxes to cut.

How we actually cut taxes will ultimately be left to the wisdom of this body. For more than 175 years, the wisdom of the Senate has steadfastly served the best interests of all Missouri citizens.

The best interests of Missouri citizens will continue to be our primary concern as we debate the recommendations made by the Missouri Citizens' Commission on Compensation for Elected Officials. This constitutional commission was created by the voters of this great State to set the salaries for elected officials in all three branches of government.

But in the end, it will be our collective responsibility to make the ultimate decision regarding the salary commission's recommendations. Unless of course we want to deadlock in a tie vote and let the Lt. Gov. take the heat. Whatever action we take, we're facing a February 1 deadline.

Other issues will have more time to be debated and ultimately resolved. But we can expect them to be just as challenging. For example:

* Even though Missouri is ahead of the national curve in welfare reform, recent federal legislation will bring even more changes in our welfare system.

* We have a federal EPA rule that increases air quality standards before we had the opportunity to meet the old air quality standards. What was once solely a St. Louis problem has now become a State-wide problem.

* Interim committees have been working on issues such as managed care, high school graduation rates, auto auctions and Missouri's probation and parole system.

* We have a 15 year highway plan that seems to be running out of gas after only 5 years. All of us anxiously await the report from the Governor's Total Transportation Commission.

* We may be looking at proposals to wind down court-ordered desegregation.

* And if the last election proved anything, it is that our campaign finance laws need further reform.

One thing is for sure: we won't run out of issues to address.

A full plate is nothing new for the Legislature. Yet at the dawn of the 89th Missouri General Assembly, this Senate must consider not only the issues we resolve, but also the deliberative, equitable and civil way that we resolve them.

The Missouri Senate is a unique political institution. It has been characterized in many ways, and is often referred to as a family.

A couple of weeks ago, all of us here in the Senate received a letter from Catherine Johnson. Catherine is moving from Sen. Mathewson's capitol office to work in his district office.

She addressed that letter simply to "Dear Family", and she reflected on her eight years here in the Senate.

"My first impression of our 'Senate Family' was borne out over time," she wrote. "Party affiliation has no bearing insofar as mutual respect and support was concerned."

"In many ways," Catherine concluded, "working in the Senate is like living in a small town. There are no secrets. And while you might prefer the company of one over another, you'll tolerate no 'outsider's' criticism of any family member."

I feel that the Senate family extends beyond the 34 seats on this floor. It applies to the doormen, the Secretary and staff at the dais, the enrolling staff, the research and appropriations teams, our office personnel and the countless others throughout this magnificent building who professionally and tirelessly perform their jobs day in and day out. We have good and honorable people working for us. We have a good and honorable family.

As Senators, we owe these people our deepest thanks.

We all recognize the importance family plays in our daily lives. I'm from a big family. In fact, my family is so big I have a brother who's also named Bill. But that's another story entirely.

My family -- and the support and experiences they've shared with me -- has helped me in more ways than I could ever express. My family taught me to cooperate, to respect others, to share, to forgive and to love. My Dad has been, and will always be, my greatest hero.

And no matter how accomplished or successful we might become, our family will always be our foundation and our single greatest source of support and protection.

A few years ago, the Senator from Bates had put an incredible amount of work and effort into a key measure he sponsored. It was a bill he wanted to pass very badly. In the final days of the session, members of the House marched on the Senate and demanded he release the bill so that they could act on it.

But the Senator from Bates had given his word that he would kill the bill if certain provisions were added. These provisions had, in fact, been added.

I remember that day very clearly. You could hear a pin drop as the Senator from Bates spoke.

He shared with us on this floor how he had struggled with this dilemma. And how, in making a final decision, he had sought the advice and counsel of his father.

Like his father -- and his father before him -- the Senator from Bates proved that he is an honorable and courageous man. The Senator from Bates kept his word. He was true to himself, he was true to this chamber, and he was true to the wisdom and counsel of his family.

There is a lesson for all of us in the example set that day: a reminder of the supreme importance of keeping our word and being true to our

personal and professional relationships.

As members of this Senate family, we have inherited almost two centuries of tradition and experience that make this body especially effective in serving the citizens of this great State.

None of us here invented these traditions. They are the work of no single lawmaker, but of the Senate family as a whole as it has evolved over time.

These traditions -- this Senate protocol -- exist for one primary reason: to provide the best possible government for the citizens of the great State of Missouri.

I will be the first Senator -- and the first president pro tem -- to leave office as a result of constitutional term limits. I am the first president pro tem who knows his opening address to a new general assembly will also be his final address to a new general assembly. I bet you're all glad to hear that.

In a very short period of time, not one Senator sitting here today will be left in this chamber. The Senate will be forever denied the institutional memory of people like the Senator from the 14th, or the Senator from Laclede, or the Senator from Shannon. This will be a tremendous loss to Missouri.

We must have the courage and foresight to ensure that any change caused by term limits does not compromise the careful and deliberative way the Senate serves the citizens of Missouri.

We must never forget that what we do in this chamber affects our employers, the citizens of Missouri, in a very personal and intimate way.

We must make certain that duly elected legislators continue to control the peoples' branch of government and that no influence or power is shifted to the lobbyists and the entrenched bureaucracies.

We must be true to the spirit of our forefathers and strive to maintain and nourish the fundamental hallmarks of this great body -- tolerance of diverse view points, civility in all discourse, and full and open debate.

The actions we take as Senators in the 89th Missouri General Assembly will set important and lasting precedents. We must work together -- in the tradition of the Senate family -- to ensure the precedents we set for future generations are as sound and of the quality and character as the great traditions that have been passed down to us. This continuity will ultimately be our greatest legacy.

Now let's roll up our sleeves and get down to work.

Thanks again for this opportunity. My Father would be very proud. God bless all of you.

President Wilson resumed the Chair.

Senator McKenna nominated Terry L. Spieler for Secretary of the Senate.

No other nominations being made, Mrs. Spieler was elected by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall

Wiggins

Yeckel--34

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Senator McKenna nominated Lester Marcum for Sergeant-at-Arms.

No other nominations being made, Mr. Marcum was elected by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Senator McKenna nominated Rex Adams for Doorkeeper.

No other nominations being made, Mr. Adams was elected by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick

Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Senator McKenna nominated Reverend G. Dale Norfolk for Chaplain.

No other nominations being made, Reverend Norfolk was elected by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Terry Spieler, Lester Marcum, Rex Adams and Reverend Norfolk advanced to the bar and subscribed to the oath of office, which was administered by Judge Anderson.

RESOLUTIONS

Senator Quick offered the following resolution, which was read:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the Eighty-ninth General Assembly is duly convened and is now in session and ready for consideration of business;

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is now organized with the

election of the following named officers:

President Pro Tem	William P. McKenna
Secretary of Senate	Terry L. Spieler
Sergeant-at-Arms	Lester S. Marcum
Doorkeeper	Rex Adams
Chaplain	Reverend G. Dale Norfolk

Senator Quick moved that the above resolution be adopted, which motion prevailed.

Senator Quick offered the following resolution, which was read:

SENATE RESOLUTION NO. 3

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to purchase and deliver to each Senator postage stamps not to exceed the value of eight hundred dollars (\$800.00) and to take his or her receipt for the amount of postage stamps delivered, said stamps to be used by each Senator only for official business connected with his office, the expenses of same to be paid out of the contingent fund of the Senate.

Senator Quick moved that the above resolution be adopted, which motion prevailed.

Senator Quick offered the following resolution, which was read:

SENATE RESOLUTION NO. 4

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

Senator Quick moved that the above resolution be adopted, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Wiggins offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 1

WHEREAS, the Board of Curators of the University of Missouri desires to convey property constituting the University Park in Kansas City, Jackson County to the Ewing Marion Kauffman Foundation; and

WHEREAS, Section 172.020, RSMo, provides that the conveyance of any land contained within a university campus must be approved by the general assembly by passage of a concurrent resolution signed by the governor; and

WHEREAS, the property to be conveyed is more particularly described as follows:

- (1) All land in the park to the west of Rockhill Road, approximately 3.5 acres;
- (2) All land in the park between Rockhill Road and Troost Avenue, approximately 33.5 acres; and

WHEREAS, the property will be used by the Kauffman Foundation, including the Conservation Commission and the Powell Gardens, as described in their proposal to the Board of Curators; and

WHEREAS, the Kauffman Foundation will pay the University of Missouri \$16,000,000 at the time of the conveyance of the property:

NOW, THEREFORE, BE IT RESOLVED that the Senate of the First Regular Session of the Eighty-ninth General Assembly, the House of Representatives concurring therein approves and authorizes the conveyance of the aforesaid real property by the Curators of the University of Missouri to the Ewing Marion Kauffman Foundation; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to submit this resolution upon passage by both Houses of the General Assembly, to the Governor for approval pursuant to Section 172.020, RSMo, and upon such approval to send a copy thereof to the Curators of the University of Missouri.

Senator McKenna offered the following concurrent resolution, which was read:

SENATE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the President Pro Tem of the Senate and the Speaker of the House appoint a committee of thirty-six members, one-half from the Senate and one-half from the House to cooperate in making all necessary plans and arrangements for the participation of the General Assembly in the inauguration of the executive officials of the State of Missouri on January 13, 1997; and that the joint committee is authorized to expend the necessary amount in making such plans and arrangements; with expenses to be paid from the joint contingent fund; and

BE IT FURTHER RESOLVED that the Administration Committee of the Senate and the Accounts Committee of the House of Representatives audit, allow and pay the expenses for the legislative participation in the inauguration and that the joint committee be authorized to cooperate with any other committees, officials or persons planning and executing the inaugural ceremonies keeping with the traditions of the great State of Missouri.

Senator McKenna requested unanimous consent of the Senate that the rules be suspended and **SCR 2** be taken up for adoption, which request was granted.

SCR 2 was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following committees:

Administration: Senators Quick, Chair; McKenna, Vice-chair; DePasco; Ehlmann; and Singleton.

Gubernatorial Appointments: Senators McKenna, Chair; Scott, Vice-chair; Banks; Lybyer; Quick; Staples; Bentley; Ehlmann; Flotron; Graves; and Russell.

Rules, Joint Rules and Resolutions: Senators Quick, Chair; McKenna, Vice-chair; Scott; Mathewson; Wiggins; Ehlmann; Kenney; Mueller; and Singleton.

President Pro Tem McKenna referred **SCR 1** to the Committee on Rules, Joint Rules and Resolutions.

RESOLUTIONS

Senator McKenna offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 5

Notice of Proposed Rule Changes

BE IT RESOLVED that Rules 21, 25, 28, 64, 88 and 102 of the temporary rules adopted by the Senate of the 89th General Assembly, First Regular Session, be amended as follows:

"Rule 21. [The enrolling and engrossing director shall direct the work of all employees assigned to that office, and] **The secretary** shall see that all amendments and substitutes are incorporated in any bill amended or substituted for when printed as perfected or truly agreed to, and shall perform such other duties as may be required by the Committee on Rules, Joint Rules and Resolutions.

Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families and Mental Health, 7 members.
3. Committee on [Agriculture and Local Government,] **Agriculture, Conservation, Parks and Tourism**, 11 members.
4. Committee on Appropriations, 13 members.
5. Committee on Civil and Criminal Jurisprudence, 9 members.
6. Committee on Commerce and Environment, 9 members.
- [7. Committee on Conservation, Parks and Tourism, 9 members.]
- [8.] **7.** Committee on Corrections and General Laws, 7 members.
- [9.] **8.** Committee on Education, 13 members.
- [10.] **9.** Committee on Elections, Pensions and Veterans' Affairs, 9 members.
- [11.] **10.** Committee on Ethics, 9 members.
- [12.] **11.** Committee on Financial and Governmental [Operations] **Organization**, 9 members.
- [13.] **12.** Committee on Gubernatorial Appointments, 11 members.
- [14.] **13.** Committee on Insurance and Housing, 9 members.
- [15.] **14.** Committee on Interstate Cooperation [(statutory)], 5 members.
- [16.] **15.** Committee on Judiciary, 9 members.
- [17.] **16.** Committee on Labor and Industrial Relations, 9 members.

17. Committee On Local Government and Economic Development, 7 members.

18. Committee on Legislative Research (statutory), 10 members.

19. Committee on Public Health and Welfare, 10 members.

20. Committee on Rules, Joint Rules and Resolutions, 9 members.

21. Committee on State Budget Control, 10 members.

22. Committee on Transportation, 9 members.

23. Committee on Ways and Means, 11 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Aging, Families and Mental Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and children issues, mental health, mental retardation and developmental disabilities.

[3. The Committee on Agriculture and Local Government shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to animals, animal disease, pest control, agriculture, rural community and business development, county government, township organizations and political subdivisions.]

3. The Committee on Agriculture, Conservation, Parks and Tourism shall consider all questions and report on all bills, resolutions, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife, game refuges, and tourism and the promotion of tourism as a state industry.

4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations[, and disbursement of public money[, and bills referred to it relating to the promotion of economic development].

5. The Committee on Civil and Criminal Jurisprudence shall consider, examine and report upon all matters and bills referred to it concerning civil procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

6. The Committee on Commerce and Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce and the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.

[7. The Committee on Conservation, Parks and Tourism shall consider all questions and report on all bills, resolutions and on other matters referred to it relating to the state park system, conservation of the state's natural resources, soil and water, wildlife, game refuges, and tourism and the promotion of tourism as a state industry.]

[8.] **7.** The Committee on Corrections and General Laws shall consider and report on all bills, resolutions and all other matters concerning general topics which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.

[9.] **8.** The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.

[10.] **9.** The Committee on Elections, Pensions and Veterans' Affairs shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to elections, election law, retirement, pensions, pension plans, and to military organizations and all matters touching on military and veterans' affairs.

[11.] **10.** The Committee on Ethics shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, and shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted.

[12.] **11.** The Committee on Financial and Governmental [Operations] **Organization** shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency.

[13.] **12.** The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.

[14.] **13.** The Committee on Insurance and Housing shall take into consideration all matters referred to it relating to life, accident, indemnity and other forms of insurance, and all matters relating to urban renewal and housing.

[15.] **14.** The Committee on Interstate Cooperation [(statutory)] shall perform its statutory duties and shall consider all matters and examine and report on all bills and other matters referred to it which relate to interstate problems and cooperation.

[16.] **15.** The Committee on Judiciary shall consider all questions and bills relating to the judicial department of the state, examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation.

[17.] **16.** The Committee on Labor and Industrial Relations shall examine all matters and bills referred to it in relation to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

17. The Committee on Local Government and Economic Development shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to community and business development, county government, township organizations and political subdivisions, and bills referred to it relating to the promotion of economic development.

18. The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.

19. The Committee on Public Health and Welfare shall consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operation and alternative state health care proposals.

20. The Committee on Rules, Joint Rules and Resolutions shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall [superintend the enrolling and engrossing director and] see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

21. The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during either of the first two years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its

consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during either of the first two years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee.

22. The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

23. The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.

Rule 64. A substitute for the text of a bill is not in order until all pending amendments thereto have been disposed of. [Substitute bills, including committee substitutes, shall take the form of original bills and not that of amendments.] **A substitute bill for an original bill or for a committee substitute shall take the form of an original bill and be subject to floor amendments, except that it shall not be subject to amendment by a further floor substitute.** No further amendments or substitutes may be entertained after the senate adopts a substitute bill.

Rule 88. All questions, whether in committee or senate, shall be first stated in the order in which they are moved, but voted upon in reverse order, except privileged questions, which shall be propounded as stated in Rule [73] **72**; and in filling up blanks, the largest sum and longest time shall be put first.

Rule 102. A member of the Senate may accept meals, food, beverage or other gifts from a legislative lobbyist or the lobbyist's principal as defined in section 105.470.1(3)(a), RSMo, if any single item accepted has a value of less than fifty dollars, and all items accepted by any member in any calendar year from a lobbyist or lobbyist principal, as defined in section 105.470.1(3)(a), do not exceed a value of one hundred dollars in the aggregate.

This rule shall not apply to:

- (1) The participation of members in activities authorized in Section 105.470.4(2)(c), RSMo, regardless of the aggregate value;
- (2) The participation in seminars or meetings of national or regional associations when such participation and activities have been requested in writing and approved in advance by the Committee on Administration;
- (3) The acceptance of meals, food or beverages or other gifts to be used for charitable purposes, as defined by law, and which are not consumed or used for the personal benefit of the member; or
- (4) A member is within the second degree of consanguinity or affinity of the lobbyist with regard to any gift provided to the member by such lobbyist.

The provisions of this rule may be satisfied by reimbursing said lobbyist or lobbyist principal within thirty days of obtaining actual knowledge that reimbursement is necessary to meet the requirements of this rule.

[This rule shall become effective April 1, 1996, and shall be prospective only.]; and

BE IT FURTHER RESOLVED, that the temporary rules with the above amendments and additions be adopted as the permanent rules of the Missouri Senate for the First Regular Session of the 89th General Assembly.

On motion of Senator Quick, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered

into and adopted **HR 3**.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk of the House of Representatives inform the Senate that the House is duly convened and is now in session ready for consideration of business.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers to wit:

Speaker. . .Steve Gaw

Speaker Pro Tem. Jim Kreider

Chief Clerk. Anne C. Walker

Doorkeeper Carl Strader

Sergeant-at-Arms. Larry Walker

Chaplain . . Fr. Hugh Behan

Chaplain . . Rev. Cheryl L. Tatham

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HR 4**.

HOUSE RESOLUTION NO. 4

. BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Eighty-Ninth General Assembly, First Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HCR 1**.

HOUSE CONCURRENT RESOLUTION NO. 1

. BE IT RESOLVED, by the House of Representatives of the Eighty-Ninth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Thursday, January 16, 1997, to receive a message from His Honor John C. Holstein, the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Eighty-Ninth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HCR 2**.

HOUSE CONCURRENT RESOLUTION NO. 2

.BE IT RESOLVED, by the House of Representatives of the Eighty-Ninth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 22, 1997, to receive a message from His Excellency, the Honorable Mel Carnahan, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and the Senate of the Eighty-Ninth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 10, 1996, while the Senate was not in session.

Thomas E. Bangert, Democrat, 6123 Brookpark, Imperial, Jefferson County, Missouri 63052, as a member of the Residential Mortgage Board, for a term ending October 10, 1999, and until his successor is duly appointed and qualified; vice, House Bill 63.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 20, 1996, while the Senate was not in session.

Richard J. Barr, 124 Peeke Avenue, Kirkwood, St. Louis County, Missouri 63122, as a member of the Missouri Board for Architects, Professional Engineers, and Land Surveyors, for a term ending September 28, 2000, and until his successor is duly appointed and qualified; vice, Richard L. Elgin, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 13, 1996, while the Senate was not in session.

John F. Bass, Democrat, 4841 Margaretta, St. Louis City, Missouri 63115, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2000, and until his successor is duly appointed and qualified; vice, Earl Wilson, Jr., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 26, 1996, while the Senate was not in session.

Muriel W. Battle, 2200 W. Rollins Road, Columbia, Boone County, Missouri 65203, as a member of the Children's Trust Fund Board, for a term ending September 15, 1997, and until her successor is duly appointed and qualified; vice, Michelle Perry, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 20, 1996, while the Senate was not in session.

Theresa K. Blume, 2800 Butterfield Court, Columbia, Boone County, Missouri 65203, as a member of the Organ Donation Advisory Committee, for a term ending December 12, 2000, and until her successor is duly appointed and qualified; vice, RSMo 302.171.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 20, 1996, while the Senate was not in session.

Keith I. Bodenhausen, Democrat, 211 N. 169 Highway, Box 125, Gower, Clinton County, Missouri 64454, as a member of the Agricultural and Small Business Development Authority, for a term ending June 30, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 20, 1996, while the Senate was not in session.

John M. Boyer, Republican, 24 Hickory Street, Post Office Box 73, Viburnum, Iron County, Missouri 65566, as a member of the Dam and Reservoir Safety Council, for a term ending September 5, 1996, and until his successor is duly appointed and qualified; vice, Terry Perkins, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 24, 1996, while the Senate was not in session.

John M. Boyer, Republican, 24 Hickory Street, Post Office Box 73, Viburnum, Iron County, Missouri 65566, as a member of the Dam and Reservoir Safety Council, for a term ending September 5, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1996, while the Senate was not in session.

Ronald G. Breshears, 594 NE 200, Knob Noster, Johnson County, Missouri 65336, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1999, and until his successor is duly appointed and qualified; vice, Janice Schuerman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 31, 1996, while the Senate was not in session.

Reid L. Bronson, Democrat, 2308 Thornberry Lane, St. Charles, St. Charles County, Missouri 63301, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 7, 1996, while the Senate was not in session.

Rose C. Brower, Republican, 6260 Westway Place, St. Louis City, Missouri 63109, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 1997, and until her successor is duly appointed and qualified; vice, James Proffitt, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 5, 1996, while the Senate was not in session.

Elizabeth Baker Brown, Democrat, 2054 State Route B, Fayette, Howard County, Missouri 65248, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 7, 1996, while the Senate was not in session.

Patrick R. Brady, Democrat, 1025 Greenway Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 1998, and until his successor is duly appointed and qualified; vice, Susan Pettit, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 20, 1996, while the Senate was not in session.

Thomas M. Butler, 4388 Varano Drive, Florissant, St. Louis County, Missouri 63033-6923, as a public member of the Board of Geologist Registration, for a term ending April 11, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1996, while the Senate was not in session.

Sheryl L. Cheves, Republican, HCR 76 Box 229 S, Camdenton, Camden County, Missouri 65020, as a member of the Missouri Community Service Commission, for a term ending December 15, 1998, and until her successor is duly appointed and qualified; vice, Virginia Cicle, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 21, 1996, while the Senate was not in session.

Nellie S. Clemens, Republican, Route 4 Box 145, Marshall, Saline County, Missouri 65340, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2000, and until her successor is duly appointed and qualified; vice, Stephen Bruening, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 28, 1996, while the Senate was not in session.

Anne S. Deaton, Democrat, 2607 Luann Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 1997, and until her successor is duly appointed and qualified; vice, Barbara Plummer, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 20, 1996, while the Senate was not in session.

Richard C. Dunn, Route 1, St. James, Phelps County, Missouri 65559, as a member of the Children's Trust Fund Board, for a term ending September 15, 1999, and until his successor is duly appointed and qualified; vice, Ruth Kelley, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 5, 1996, while the Senate was not in session.

Orland L. Ellis, 2123 North 31st Terrace, St. Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1999, and until his successor is duly appointed and qualified; vice, Jan Tupper, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 5, 1996, while the Senate was not in session.

Lester M. Evans, Republican, 18000 Highway 64, Lebanon, Laclede County, Missouri 65536, as a member of the State Milk Board, for a term ending September 28, 1999, and until his successor is duly appointed and qualified; vice, Ken DeGraffenreid, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 28, 1996, while the Senate was not in session.

William L. Farr, Jr., Route 1 Box 103D, Marionville, Lawrence County, Missouri 65705, as a member of the Missouri Fire Education Trust Fund Board of Trustees, for a term ending at the pleasure of the Governor; vice, House Bill 452.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 12, 1996, while the Senate was not in session.

Diana G. Fendya, 1010 Cabernet, Chesterfield, St. Louis County, Missouri 63017, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until her successor is duly appointed and qualified; vice, Christine Hoag-Apel, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 10, 1996, while the Senate was not in session.

Rosemarie Fischer, 15159 Orchard Lake Road, Dexter, Stoddard County, Missouri 63841, as the public member of the State Committee for Professional Counselors, for a term ending August 23, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 5, 1996, while the Senate was not in session.

Katherine A. Frazier, 1023 Adams, Jefferson City, Cole County, Missouri 65101, as a member of the Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1996, while the Senate was not in session.

Donald L. Gann, 1881 Halifax Road, Holts Summit, Callaway County, Missouri 65043, as a member of the Missouri Head Injury Advisory Council for a term ending May 12, 1997, and until his successor is duly appointed and qualified; vice, Donald L. Gann, withdrawn.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 10, 1996, while the Senate was not in session.

Shirley A. Grimmitt, Republican, 5145 Old Wire Road, Brookline, Greene County, Missouri 65619, as a member of the Residential Mortgage Board, for a term ending October 10, 1998, and until her successor is duly appointed and qualified; vice, House Bill 63.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 24, 1996, while the Senate was not in session.

Mary C. Hagerty, Democrat, 1930 Burlewood Drive, St. Louis, St. Louis County, Missouri 63146, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 1997, and until her successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 20, 1996, while the Senate was not in session.

Gerard J. Harms, Sr., 604 E. Jim, Eldon, Miller County, Missouri 65026, as a member of the Missouri Board for Architects, Professional Engineers and Land Surveyors, for a term ending September 29, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 5, 1996, while the Senate was not in session.

Larry L. Hendren, 210 South Glenwood, Columbia, Boone County, Missouri 65203, as a member of the Board of Geologist Registration, for a term ending April 11, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 20, 1996, while the Senate was not in session.

Deirdre K. Hirner, 667 Oak Creek Court, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri State Public Employees' Deferred Compensation Commission, for a term ending November 20, 1997, and until her successor is duly appointed and qualified; vice, Keith Bozarth, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 16, 1996, while the Senate was not in session.

Shirley M. Horacek, 3307 South Grand, Sedalia, Pettis County, Missouri 65301, as a member of the Board of Examiners for Hearing Instrument Specialists, for a term ending August 16, 1997, and until her successor is duly appointed and qualified; vice, RSMo 346.120.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1996, while the Senate was not in session.

Patricia D. Hoskins, Democrat, Route 2 Box 201, Steele, Pemiscot County, Missouri 63877, as a member of the Missouri Community Service Commission, for a term ending December 15, 1998, and until her successor is duly appointed and qualified; vice, Jim Elliott, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 24, 1996, while the Senate was not in session.

Carolyn A. Hulbert, 316 Clarkson Park Drive, St. Charles, St. Charles County, Missouri 63303, as a member of the Personnel Advisory Board, for a term ending July 31, 2000, and until her successor is duly appointed and qualified; vice, House Bill 1146.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 1996, while the Senate was not in session.

Patricia S. Joyce, Democrat, 821 Cari Ann Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2002, and until her successor is duly appointed and qualified; vice, George Brooks, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1996, while the Senate was not in session.

Gerald J. Kampeter, 225 Indian Meadow Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 1998, and until his successor is duly appointed and qualified; vice, Gerald J. Kampeter, withdrawn.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 20, 1996, while the Senate was not in session.

Barry M. Kayes, Democrat, 338 N. Meramec, St. Louis, St. Louis County, Missouri 63105, as a member of the Air Conservation Commission, for a term ending October 13, 1997, and until her successor is duly appointed and qualified; vice, David C. Crane, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1996, while the Senate was not in session.

Jane B. Klieve, Republican, 854 Holly Ridge Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Women's Council, for a term ending December 6, 1996, and until her successor is duly appointed and qualified; vice, Lutrecia Church, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1996, while the Senate was not in session.

Dixie H. Kohn, Democrat, 907 West Main, Park Hills, St. Francois County, Missouri 63601, as a member of the Missouri Community Service Commission, for a term ending January 15, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 16, 1996, while the Senate was not in session.

Susan S. Lamb, 5603 Scherr Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 11, 1996, while the Senate was not in session.

J. Darlene Lee, 1526 Timber Trail, Jefferson City, Cole County, Missouri 65109, as a member of the State Board of Cosmetology, for a term ending July 1, 2000, and until her successor is duly appointed and qualified; vice, Inez Wesley, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 5, 1996, while the Senate was not in session.

Yolanda Lorge, 2747 E. Verona, Springfield, Greene County, Missouri 65804, as a member of the State Committee of Psychologists, for a term ending August 28, 1997, and until her successor is duly appointed and qualified; vice, Judith Karkhoff, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1996, while the Senate was not in session.

Stephen Maxey, Republican, 509 Jackson Street, Trenton, Grundy County, Missouri 64683, as a member of the Missouri Community Service Commission, for a term ending December 15, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 20, 1996, while the Senate was not in session.

W. Dudley McCarter, 338 Peekskill, St. Louis, St. Louis County, Missouri 63141, as a member of the Children's Trust Fund Board, for a term ending September 15, 1998, and until his successor is duly appointed and qualified; vice, Dr. Mark H. Gilgus, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 10, 1996, while the Senate was not in session.

Jennifer M. McCreight, Republican, 633 NE Rushbrook Place, Lee's Summit, Jackson County, Missouri 64064, as a member of the Residential Mortgage Board, for a term ending October 10, 1998, and until her successor is duly appointed and qualified; vice, House Bill 63.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1996, while the Senate was not in session.

Jacqueline McKinsey, Republican, 2802 S. Natural Bridge, Springfield, Greene County, Missouri 65809, as a member of the Missouri Women's Council, for a term ending December 6, 1996, and until her successor is duly appointed and qualified; vice, Teri Seiler, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 26, 1996, while the Senate was not in session.

Michael H. Metzler, M.D., 2504 Ridgefield Road, Columbia, Boone County, Missouri 65203, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until his successor is duly appointed and qualified; vice, Michael Weaver, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 1996, while the Senate was not in session.

Geneva (Jeanie) M. Moore, Republican, 3018 Schott Road, Jefferson City, Cole County, Missouri 65101, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2002, and until her successor is duly appointed and qualified; vice, Dr. Donald Wyss, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 24, 1996, while the Senate was not in session.

Carolyn Davis Newport, 2424 E. Raynell, Springfield, Greene County, Missouri 65804, as a member of the Missouri Family Trust Fund Board of Trustees, for a term ending October 25, 1999, and until her successor is duly appointed and qualified; vice, Robert Story, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 20, 1996, while the Senate was not in session.

Victoria L. Noteis, 14 E. 55th Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Board for Architects, Professional Engineers, and Land Surveyors, for a term ending September 1, 2000, and until her successor is duly appointed and qualified; vice, Shelly Simon, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 11, 1996, while the Senate was not in session.

Barbara J. Ormsbee, Republican, 4327 E. Valley Road, Springfield, Greene County, Missouri 65809, as a member of the Missouri Women's Council, for a term ending December 6, 1997, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 24, 1996, while the Senate was not in session.

Carla A. Owens-Cobbs, 218 Dix Road, Apartment 17, Jefferson City, Cole County, Missouri 65109, as a member of the Personnel Advisory Board, for a term ending at the pleasure of the Governor; vice, House Bill 1146.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1996, while the Senate was not in session.

Patti A. Penny, 2960 West Weaver Road, Springfield, Greene County, Missouri 65810, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1999, and until her successor is duly appointed and qualified; vice, Bill House, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 7, 1996, while the Senate was not in session.

Patti A. Penny, 2960 West Weaver Road, Springfield, Greene County, Missouri 65810, as Chairman of the Missouri Training and Employment Council.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 10, 1996, while the Senate was not in session.

Arthur L. Poger, Democrat, 1109 Thornwood Drive, Ladue, St. Louis County, Missouri 63124, as a member of the Residential Mortgage Board, for a term ending October 10, 1999, and until his successor is duly appointed and qualified; vice, House Bill 63.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 7, 1996, while the Senate was not in session.

Nell M. Pollnow, Republican, 16210 Wilson View Estates Drive, Chesterfield, St. Louis County, Missouri 63005, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 1997, and until her successor is duly appointed and qualified; vice, John Kimmons, Jr., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 26, 1996, while the Senate was not in session.

Cathy Pribyl, RN, MN, 500 20th Avenue South, Greenwood, Jackson County, Missouri 64034, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until her successor is duly appointed and qualified; vice, Laurie Gehrke, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 17, 1996, while the Senate was not in session.

Willard C. Reine, Democrat, 1401 Greenberry Road, Jefferson City, Cole County, Missouri 65101, as a member of the Administrative Hearing Commission, for a term ending August 13, 2002, and until his successor is duly appointed and qualified; vice, Paul Otto, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 20, 1996, while the Senate was not in session.

Gary P. Riedel, 14251 E. Pingleton Road, Centralia, Boone County, Missouri 65240, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission, for a term ending March 25, 2000, and until his successor is duly appointed and qualified; vice, Gary Ellington, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 16, 1996, while the Senate was not in session.

Richard C. Robinson, Sr., 4034 Prospect, Kansas City, Jackson County, Missouri 64130, as a member of the Missouri Board of Barber Examiners, for a term ending April 5, 2000, and until his successor is duly appointed and qualified; vice, John E. Swearngin, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 24, 1996, while the Senate was not in session.

Roddy J. Rogers, Republican, 2241 E. Powell, Springfield, Greene County, Missouri 65804, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 24, 1996, while the Senate was not in session.

Laura E. Roy, 134 Beacon Hill Drive, St. Charles, St. Charles County, Missouri 63301, as a member of the Missouri Family Trust Fund Board of Trustees, for a term ending October 25, 1998, and until her successor is duly appointed and qualified; vice, Ray Klinginsmith, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 20, 1996, while the Senate was not in session.

Peter M. Schloss, 19200 Neth Road, Trimble, Clay County, Missouri 64492, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 1999, and until his successor is duly appointed and qualified; vice, Peter M. Schloss, withdrawn.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 10, 1996, while the Senate was not in session.

Patricia LouEllen Shell, 16138 Shady Lane, Dexter, Stoddard County, Missouri 63841, as a public member of the Board of Geologist Registration, for a term ending April 11, 1997, and until her successor is duly appointed and qualified; vice, Judy L. Vavak, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 26, 1996, while the Senate was not in session.

Barbara B. Smith, 309 E. Kathleen, Sikeston, Scott County, Missouri 63801, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 1997, and until her successor is duly appointed and qualified; vice, Susan Stoltz, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 5, 1996, while the Senate was not in session.

Ted A. Smith, Republican, 1015 S. Farm Road 193, Springfield, Greene County, Missouri 65809, as a member of the Land Reclamation Commission, for a term ending September 28, 1999, and until his successor is duly appointed and qualified; vice, D. Anne Lewis, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 26, 1996, while the Senate was not in session.

Elaine F. Spielbusch, Democrat, 804 West 72nd Street, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Ethics Commission, for a term ending March 15, 1998, and until her successor is duly appointed and qualified; vice, Sheryl Johnson, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 16, 1996, while the Senate was not in session.

Hugh Edward Stephenson, Jr., Republican, 5 Danforth Circle, Columbia, Boone County, Missouri 65201, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2001, and until his successor is duly appointed and qualified; vice, David Collins, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 20, 1996, while the Senate was not in session.

Charles P. Swisher, CHE, 15 Brazilian Court, St. Louis, St. Louis County, Missouri 63124, as a member of the Children's Trust Fund Board for a term ending September 15, 1996, and until his successor is duly appointed and qualified; vice, Joan Krusor-Davis, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 10, 1996, while the Senate was not in session.

John H. Teale, D.C., 305 Gaines Road, Excelsior Springs, Clay County, Missouri 64024, as the public member of the State Board of Cosmetology, for a term ending August 16, 1998, and until his successor is duly appointed and qualified; vice, Elaine Hunter, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 12, 1996, while the Senate was not in session.

Mark E. Terry, 11201 Jackson, Kansas City, Jackson County, Missouri 64137, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until his successor is duly appointed and qualified; vice, Robin Tice, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 24, 1996, while the Senate was not in session.

Karen Touzeau, 2901 Conestoga Court, Columbia, Boone County, Missouri 65203, as a member of the Personnel Advisory Board, for a term ending July 31, 1998, and until her successor is duly appointed and qualified; vice, House Bill 1146.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 31, 1996, while the Senate was not in session.

Jayne Voss, Democrat, 2311 Brookfield, St. Charles County, Missouri 63366, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2000, and until her successor is duly appointed and qualified; vice, William B. Hecht, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 5, 1996, while the Senate was not in session.

Robert G. Wade, 4212 N.W. Briarcliff Lane, Kansas City, Clay County, Missouri 64116, as a member of the Missouri Board for Architects, Professional Engineers and Land Surveyors, for a term ending August 28, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 5, 1996, while the Senate was not in session.

H. Darrell Waisner, Republican, 4215 E. Whitehall Drive, Springfield, Greene County, Missouri 65809, as a member of the Missouri Housing Development Commission for a term ending October 13, 1999, and until his successor is duly appointed and qualified; vice, L. Joe Scott, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on

December 20, 1996, while the Senate was not in session.

Carolyn J. Walker, 520 Greenbrier, Moberly, Randolph County, Missouri 65270, as a member of the State Board of Cosmetology, for a term ending August 13, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 9, 1996, while the Senate was not in session.

Linda D. Ward, 4307 N. Holly Court, Kansas City, Clay County, Missouri 64116, as a member of the Children's Trust Fund Board, for a term ending September 15, 1997, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 9, 1996, while the Senate was not in session.

Yolanda M. Watkins, 208 Railroad Avenue, Ewing, Lewis County, Missouri 65014, as the Student Representative to the Linn State Technical College Board of Regents, for a term ending January 1, 1998, and until her successor is duly appointed and qualified; vice, Senate Bill 101.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 11, 1996, while the Senate was not in session.

Thomas Eugene Whelan, 1203 Fairview, Independence, Jackson County, Missouri 64056, as a member of the Children's Trust Fund Board, for a term ending September 15, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 20, 1996, while the Senate was not in session.

John D. Wild, Republican, 16512 Thunderhead Canyon Court, Wildwood, St. Louis County, Missouri 63011-1853, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees, for a term ending July 15, 1999, and until his successor is duly appointed and qualified; vice, Bob Bartelsmeyer, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 11, 1996, while the Senate was not in session.

Benita Y. Williams, Democrat, 3321 Mersington, Kansas City, Jackson County, Missouri 64128, as a member of the Missouri Women's Council, for a term ending December 6, 1998, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 1996, while the Senate was not in session.

Earl Wilson, Jr., Democrat, 1115 N. 11th Street, St. Louis City, Missouri 63101, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2002, and until his successor is duly appointed and qualified; vice, Stephana Landwehr, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 20, 1996, while the Senate was not in session.

Charlotte R. York, LPN, 111 Greenbriar, Sikeston, Scott County, Missouri 63801, as a member of the State Board of Nursing, for a term ending June 1, 1997, and until her successor is duly appointed and qualified; vice, Joyce Haynie, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

FIRST READING OF

PRE-FILED SENATE BILLS

As provided in Chapter 21, RSMo 1986, Sections 21.600, 21.605, 21.610, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

SB 1--By Schneider.

An Act to amend chapter 476, RSMo, by adding one new section relating to the commission on judicial resources.

SB 2--By Schneider.

An Act to repeal sections 478.320 and 478.437, RSMo 1994, relating to judges in the twenty-first judicial circuit, and to enact in lieu thereof two new sections relating to the same subject.

SB 3--By Schneider.

An Act to repeal sections 453.005 and 453.070, RSMo 1994, relating to adoption and foster care, and to enact in lieu thereof two new sections relating to the same subject.

SB 4--By Wiggins.

An Act to repeal section 143.805, RSMo 1994, relating to income taxation, and to enact in lieu thereof six new sections relating to the same subject, with an effective date.

SB 5--By Wiggins.

An Act to repeal section 313.817, RSMo 1994, relating to excursion gambling boats, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 6--By Wiggins.

An Act to repeal sections 400.1-105, 400.1-206, 400.2-512, 400.4-104, 400.5-102, 400.5-103, 400.5-104, 400.5-105, 400.5-106, 400.5-107, 400.5-108, 400.5-109, 400.5-110, 400.5-111, 400.5-112, 400.5-113, 400.5-114, 400.5-115, 400.5-116, 400.5-117, 400.8-102, 400.8-103, 400.8-104, 400.8-105, 400.8-106, 400.8-107, 400.8-108, 400.8-109, 400.8-201, 400.8-202, 400.8-203, 400.8-204, 400.8-205, 400.8-206, 400.8-207, 400.8-208, 400.8-301, 400.8-302, 400.8-303, 400.8-304, 400.8-305, 400.8-306, 400.8-307, 400.8-308, 400.8-309, 400.8-310, 400.8-311, 400.8-312, 400.8-313, 400.8-314, 400.8-315, 400.8-316, 400.8-317, 400.8-318, 400.8-319, 400.8-320, 400.8-321, 400.8-401, 400.8-402, 400.8-403, 400.8-404, 400.8-405, 400.8-406, 400.8-407, 400.8-408, 400.9-103, 400.9-104, 400.9-105, 400.9-106, 400.9-203, 400.9-301, 400.9-302, 400.9-303, 400.9-304, 400.9-305, 400.9-309 and 400.9-312, RSMo 1994, and section 400.9-306, RSMo Supp. 1996, relating to the uniform commercial code, and to enact in lieu thereof eighty-five new sections relating to the same subject.

SB 7--By Banks.

An Act to repeal section 144.020, RSMo Supp. 1996, relating to the state sales tax rate on food, and to enact in lieu thereof one new section relating to the same subject.

SB 8--By Banks.

An Act to repeal section 487.020, RSMo Supp. 1996, relating to family courts, and to enact in lieu thereof one new section relating to the same subject.

SB 9--By Scott.

An Act to repeal sections 578.005, 578.007, 578.018, 578.030 and 578.050, RSMo 1994, and section 578.012, RSMo Supp. 1996, relating to crimes and punishments, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

SB 10--By Scott.

An Act to repeal section 375.018, RSMo 1994, relating to the licensure of insurance agents and brokers, and to enact in lieu thereof one new section relating to the same subject.

SB 11--By Caskey.

An Act to repeal sections 49.082, 50.334, 51.281, 52.269, 53.082, 54.261, 54.320, 55.091, and 57.317, RSMo 1994, and sections 50.333, 50.343, 56.265 and 58.095, RSMo Supp. 1996, relating to certain county officers and to enact in lieu thereof sixteen new sections relating to the same subject.

SB 12--By Russell and Singleton.

An Act to repeal section 143.124, RSMo 1994, relating to state income taxes, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 13--By Russell.

An Act relating to certain public assistance benefits, with penalty provisions.

SB 14--By Russell.

An Act to amend chapter 621, RSMo, relating to the administrative hearing commission by adding thereto one new section relating to the same subject.

SB 15--By Mathewson.

An Act to repeal sections 143.124, 143.161 and 143.805, RSMo 1994, relating to tax relief, and to enact in lieu thereof eight new sections relating to the same subject, with an effective date for certain sections.

SB 16--By Mathewson.

An Act to repeal sections 105.450, 105.472, 105.492, 105.957, 105.959, 105.961, 105.963, 105.969, 130.016, 130.021, 130.031, 130.032, 130.036, 130.038, 130.053, 130.054 and 130.056, RSMo 1994, and sections 105.483, 105.487, 130.011, 130.034, 130.041, 130.046, 130.052, 130.100, 130.130 and 130.140, RSMo Supp. 1996, relating to elections, and to enact in lieu thereof twenty-two new sections relating to the same subject, with penalty provisions.

SB 17--By Mathewson.

An Act to amend chapter 217, RSMo, relating to offenders in correctional centers, by adding five new sections relating to the same subject.

SB 18--By Staples.

An Act to repeal section 306.100, RSMo 1994, and section 306.010, RSMo Supp. 1996, relating to watercraft regulations, and to enact in lieu thereof two new sections relating to the same subject.

SB 19--By Staples.

An Act to repeal section 32.055, RSMo 1994, relating to motor vehicle records, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

SB 20--By Staples.

An Act to repeal section 476.083, RSMo Supp. 1996, relating to circuit court marshals, and to enact in lieu thereof one new section relating to the same subject.

SB 21--By Lybyer.

An Act to repeal section 67.1300, RSMo Supp. 1996, relating to a local sales tax for certain counties, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 22--By Lybyer.

An Act to repeal sections 178.892, 178.893, 178.894 and 178.896, RSMo 1994, and sections 178.635 and 178.895, RSMo Supp. 1996, relating to Linn State Technical College, and to enact in lieu thereof six new sections relating to the same subject, with a termination date for certain sections.

SB 23--By Curls.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to temporary assistance for needy families.

SB 24--By Curls.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to certain health care benefits.

SB 25--By Curls.

An Act to amend chapter 376, RSMo, by adding one new section relating to insurer's subrogation to rights of recovery of insured persons.

SB 26--By Goode.

An Act to repeal sections 130.031, 130.032 and 130.036, RSMo 1994, and sections 130.011, 130.041, 130.046, 130.053, 130.100, 130.110, 130.120, 130.130, 130.140, 130.150 and 130.160, RSMo Supp. 1996, relating to campaign finance, and to enact in lieu thereof six new sections relating to the same subject.

SB 27--By Goode.

An Act to repeal sections 116.040, 116.160, 116.170, 116.180 and 116.190, RSMo 1994, relating to initiative and referendum petitions, and to enact in lieu thereof five new sections relating to the same subject.

SB 28--By Goode, Banks, McKenna and Johnson.

An Act to repeal sections 303.024, 303.025, 303.026, 303.043, 303.044, 303.070, 303.290, 379.118 and 379.203, RSMo 1994, relating to motor vehicle financial responsibility, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

SB 29--By Quick.

An Act to repeal section 7.002, RSMo Supp. 1996, relating to the Missouri-Nebraska boundary compact, and to enact in lieu thereof one new section relating to the same subject.

SB 30--By Flotron.

An Act to amend chapter 160, RSMo, by enacting eight new sections relating to education.

SB 31--By Flotron.

An Act to amend chapter 376, RSMo, by adding thereto eleven new sections relating to consumer protection, with penalty provisions and an effective date.

SB 32--By Singleton.

An Act to amend chapter 577, RSMo, relating to public safety offenses, by adding thereto one new section relating to leaving the scene of a shooting, with penalty provisions.

SB 33--By Singleton and Westfall.

An Act to amend chapter 290, RSMo, by adding one new section relating to prevailing wages.

SB 34--By Singleton.

An Act relating to the conveyance of certain real property by the Department of Natural Resources located in McDonald County.

SB 35--By Mueller and Flotron.

An Act to repeal section 144.020, RSMo Supp. 1996, relating to sales tax rates, and to enact in lieu thereof one new section relating to the same subject.

SB 36--By Mueller.

An Act to repeal section 302.321, RSMo Supp. 1996, relating to driving a motor vehicle without a license, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 37--By Mueller.

An Act to repeal section 577.023, RSMo 1994, relating to prior and persistent intoxicated driving offenders, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 38--By Howard.

An Act to repeal sections 210.150, 210.152 and 210.183, RSMo 1994, relating to reports of child abuse or neglect, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 39--By Howard.

An Act to repeal section 130.037, RSMo Supp. 1996, relating to elections, and to enact in lieu thereof one new section relating to the same subject.

SB 40--By Howard.

An Act to repeal sections 115.315 and 115.321, RSMo 1994, and section 115.329, RSMo Supp. 1996, relating to elections, and to enact in lieu thereof three new sections relating to the same subject.

SB 41--By Johnson.

An Act to repeal section 143.124, RSMo 1994, relating to taxation of pensions, and to enact in lieu thereof one new section relating to the same subject.

SB 42--By Johnson.

An Act to amend chapter 304, RSMo, by adding one new section relating to the operation of certain motor vehicles, with penalty provisions.

SB 43--By Johnson.

An Act to repeal sections 303.025, 303.026, 303.043, 303.044, 303.070, 303.290 and 379.203, RSMo 1994, relating to motor vehicle financial responsibility, and to enact in lieu thereof eight new sections relating to the same subject.

SB 44--By Rohrbach.

An Act to repeal section 306.016, RSMo Supp. 1996, relating to watercraft, and to enact in lieu thereof two new

sections relating to the same subject, with an effective date.

SB 45--By Rohrbach and Ehlmann.

An Act to repeal section 105.470, RSMo 1994, relating to the regulation of lobbying, and to enact one new section relating to the same subject.

SB 46--By Rohrbach.

An Act to amend chapter 221, RSMo, by adding one new section relating to the operation of private jails for profit.

SB 47--By Kinder.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to environmental protection.

SB 48--By Kinder.

An Act to amend chapter 490, RSMo, by adding thereto seven new sections relating to environmental audit privilege, with penalty provisions.

SB 49--By Kinder.

An Act to repeal section 571.030, RSMo Supp. 1996, relating to weapons offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 50--By McKenna.

An Act to repeal section 493.050, RSMo 1994, relating to publication of legal notices, and to enact in lieu thereof one new section relating to the same subject.

SB 51--By McKenna.

An Act to repeal sections 452.150, 452.355, 452.370, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605 and 454.496 RSMo 1994, and sections 452.330, 452.340, 452.375 and 452.400, RSMo Supp. 1996, relating to child custody and child support proceedings, and to enact in lieu thereof fourteen new sections relating to the same subject.

SB 52--Withdrawn.

SB 53--By Westfall.

An Act to repeal sections 302.525 and 302.745, RSMo 1994, and section 577.041, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof three new sections relating to the same subject.

SB 54--By Klarich.

An Act to repeal sections 552.020 and 556.036, RSMo 1994, relating to criminal proceedings involving mental illness, and to enact in lieu thereof two new sections relating to the same subject.

SB 55--By Klarich.

An Act to repeal section 288.040, RSMo Supp. 1996, relating to unemployment benefit eligibility, and to enact in lieu thereof one new section relating to the same subject.

SB 56--By Klarich.

An Act to repeal section 546.680, RSMo 1994, and section 600.042, RSMo Supp. 1996, relating to procedures in capital cases, and to enact in lieu thereof two new sections relating to the same subject.

SB 57--By Graves and Kenney.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to authorized work programs for inmates.

SB 58--By Graves.

An Act to repeal section 214.132, RSMo 1994, relating to private burial grounds, and to enact in lieu thereof one new section relating to the same subject.

SB 59--By Graves.

An Act to amend chapter 301, RSMo, relating to the licensing of motor vehicles, by adding thereto one new section relating to the same subject.

SB 60--By Bentley.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to employer references.

SB 61--By Bentley.

An Act to repeal section 379.930, RSMo 1994, relating to small employer health insurance eligibility, and to enact one new section relating to the same subject.

SB 62--By Sims.

An Act to repeal sections 302.291 and 302.292, RSMo 1994, and to enact in lieu thereof two new sections relating to the reporting and examination of impaired drivers, with penalty provisions and an effective date.

SB 63--By Childers.

An Act to amend chapter 306, RSMo, by adding thereto one new section relating to unauthorized jumping from commercial passenger boats, with penalty provisions.

SB 64--By Childers.

An Act to repeal sections 160.514 and 160.526, RSMo 1994, relating to academic standards, and to enact in lieu thereof two new sections relating to the same subject.

SB 65--By Schneider.

An Act to repeal sections 364.120, 365.140, 385.050, 408.083, 408.170 and 408.320, RSMo 1994, relating to prepayment of certain loans, and to enact six new sections relating to the same subject.

SB 66--By Schneider.

An Act to repeal section 332.311, RSMo 1994, relating to dental hygienists.

SB 67--By Russell and Staples.

An Act to repeal sections 238.300, 238.302 and 238.325, RSMo 1994, relating to transportation corporations, and to enact in lieu thereof six new sections relating to the same subject.

SB 68--By Russell.

An Act to repeal sections 135.357 and 143.121, RSMo 1994, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 69--By Russell.

An Act relating to special motor vehicle license plates for certain veterans.

SB 70--By Staples and Sims.

An Act to repeal section 186.055, RSMo Supp. 1996, relating to the humanities trust fund, and to enact one new section relating to the same subject, with an emergency clause.

SB 71--By Goode.

An Act to repeal section 260.200, RSMo Supp. 1996, relating to solid waste, and to enact in lieu thereof one new section relating to the same subject.

SB 72--By Goode.

An Act to repeal sections 643.310, 643.315, 643.320, 643.335 and 643.355, RSMo 1994, relating to motor vehicle emissions inspections, and to enact five new sections relating to the same subject, with penalty provisions.

SB 73--By Goode.

An Act to repeal section 386.570, RSMo 1994, relating to penalties for violation of public service commission orders, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 74--By Singleton.

An Act to repeal section 565.082, RSMo 1994, relating to crimes against law enforcement officers, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 75--By Singleton.

An Act to repeal sections 578.421, 578.427 and 578.433, RSMo 1994, relating to criminal street gangs, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 76--By Mueller.

An Act to amend chapter 354, RSMo, by adding one new section relating to managed care.

SB 77--By Howard.

An Act to repeal sections 301.020, 301.190, 301.217, 301.218, 301.227 and 301.573, RSMo 1994, and sections 301.010 and 301.570, RSMo Supp. 1996, relating to rebuilt motor vehicles and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

SB 78--By Howard.

An Act to repeal sections 479.190 and 559.021, RSMo 1994, relating to community services by probationers, and to enact in lieu thereof two new sections relating to the same subject.

SB 79--By Howard.

An Act to amend chapter 265, RSMo, relating to agricultural products, by adding seven new sections relating to the same subject, with penalty provisions.

SB 80--By Kinder.

An Act to amend chapter 11, RSMo, by adding one new section relating to a common language.

SB 81--By Russell.

An Act to repeal section 143.121, RSMo 1994, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 82--By Russell.

An Act relating to the public schools, with penalty provisions.

SB 83--By Russell.

An Act to repeal section 210.152, RSMo 1994, relating to reports of child abuse or neglect, and to enact in lieu thereof one new section relating to the same subject.

SB 84--By Russell.

An Act to repeal section 494.430, RSMo 1994, relating to persons entitled to be excused from jury duty, and to enact in lieu thereof one new section relating to the same subject.

SB 85--By Russell.

An Act to amend chapter 252, RSMo, relating to the department of conservation by adding thereto one new section relating to fish and game licenses.

SB 86--By Curls.

An Act to repeal section 513.605, RSMo 1994, and to enact two new sections relating to the forfeiture of property used in criminal activity, with penalty provisions.

SB 87--By Curls.

An Act to amend chapter 441, RSMo, relating to landlord tenant relations by adding one new section relating to the same subject.

SB 88--By Curls.

An Act to repeal sections 441.020, 441.040, 441.060, 441.070, 441.130, 534.020, 534.030, 534.330, 534.380, 535.040, 535.110 and 535.300, RSMo 1994, relating to landlord and tenant law, and to enact in lieu thereof twenty-nine new sections relating to the same subject.

SB 89--By Westfall.

An Act to repeal section 221.111, RSMo 1994, relating to jails, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 90--By Westfall.

An Act to amend chapter 221, RSMo, by adding one new section relating to damage to jail property, with penalty provisions.

SB 91--By Bentley.

An Act to repeal section 303.026, RSMo 1994, relating to financial responsibility for motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 92--By Bentley.

An Act to amend chapter 304, RSMo, by adding one new section relating to the operation of certain motor vehicles, with penalty provisions.

SB 93--By Curls.

An Act to repeal section 514.040, RSMo Supp. 1996, relating to court costs for paupers, and to enact in lieu thereof one new section relating to the same subject.

SB 94--By Curls.

An Act to amend chapter 67, RSMo, by adding one new section relating to powers of political subdivisions.

SB 95--By Curls.

An Act to repeal section 99.845, RSMo 1994, relating to financing of low income housing, and to enact in lieu thereof one new section relating to the same subject.

SB 96--By Curls.

An Act to amend chapter 375, RSMo, by adding thereto seven new sections relating to community investments by insurance companies.

SB 97--By Schneider.

An Act to repeal section 630.167, RSMo Supp. 1996, relating to the confidentiality of mental health reports, and to enact in lieu thereof one new section relating to the same subject.

SB 98--By DePasco.

An Act to amend chapter 307, RSMo, by adding one new section relating to sound amplification systems in motor vehicles, with penalty provisions.

SB 99--By DePasco.

An Act to repeal section 105.010, RSMo 1994, relating to the terms of certain public offices, and to enact in lieu thereof one new section relating to the same subject.

SB 100--By DePasco.

An Act to repeal section 287.140, RSMo 1994, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

SB 101--By Kenney and Singleton.

An Act to repeal section 143.161, RSMo 1994, relating to state income tax, and to enact in lieu thereof one new section relating to the same subject.

SB 102--By Graves.

An Act to repeal sections 197.300, 197.305, 197.310, 197.311, 197.315, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.350, 197.355, 197.357, 197.360 and 197.365, RSMo 1994, and sections 197.312, 197.313, 197.316, 197.317, 197.318, 197.320 and 197.366, RSMo Supp. 1996, relating to the Missouri certificate of need law.

SB 103--By Scott.

An Act to repeal section 523.040, RSMo 1994, relating to condemnation proceedings, and to enact in lieu thereof one new section relating to the same subject.

SB 104--By Westfall.

An Act to repeal section 206.110, RSMo Supp. 1996, relating to the powers of hospital districts, and to enact one new section relating to the same subject.

SB 105--By Graves.

An Act to repeal sections 357.010, 357.050, 357.130 and 357.150, RSMo 1994, relating to cooperative companies, and to enact in lieu thereof three new sections relating to the same subject.

SB 106--By Wiggins.

An Act to repeal section 565.081, RSMo 1994, relating to assaults against law enforcement officers, and to enact one new section relating to the same subject, with penalty provisions.

SB 107--By Wiggins.

An Act to amend chapter 574, RSMo, relating to offenses against public order, by adding thereto one new section relating to the same subject, with penalty provisions.

SB 108--By Flotron, Ehlmann and Staples.

An Act to repeal section 305.230, RSMo 1994, relating to airports, and to enact one new section relating to the same subject.

SB 109--By Flotron.

An Act to amend chapter 354, RSMo, by adding four new sections relating to health care provider joint ventures.

SB 110--By Caskey.

An Act to repeal section 144.020, RSMo Supp. 1996, relating to sales tax rates, and to enact in lieu thereof one new section relating to the same subject.

SB 111--By Curls.

An Act to repeal section 447.624, RSMo 1994, relating to abandoned property proceedings, and to enact one new section relating to the same subject.

SB 112--By Curls.

An Act to repeal sections 89.100 and 89.110, RSMo 1994, relating to appeals from boards of zoning adjustment, and to enact two new sections relating to the same subject.

SB 113--By Curls.

An Act to repeal sections 141.530 and 141.550, RSMo 1994, relating to delinquent real estate taxes, and to enact in lieu thereof two new sections relating to the same subject.

SB 114--By Westfall.

An Act to repeal section 36.030, RSMo Supp. 1996, relating to state personnel law, and to enact in lieu thereof one new section relating to the same subject.

SB 115--By Curls.

An Act to amend chapter 30, RSMo, by adding thereto one new section relating to the deposit of state funds.

SB 116--By Curls.

An Act to repeal section 141.750, RSMo 1994, relating to delinquent taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 117--By Curls.

An Act to amend chapter 215, RSMo, by adding two new sections relating to the Missouri housing development commission.

SB 118--By Curls.

An Act to repeal section 535.040, RSMo 1994, relating to landlord tenant relations and to enact in lieu thereof two new sections relating to the same subject.

SB 119--By Mathewson.

An Act to amend chapter 315, RSMo, by adding six new sections relating to the rights and obligations of innkeepers and guests.

SB 120--By Goode.

An Act to repeal sections 304.155, 304.156, 304.157 and 304.158, RSMo Supp. 1996, relating to the removal of abandoned property, and to enact in lieu thereof four new sections relating to the same subject.

SB 121--By Caskey.

An Act to repeal section 307.178, RSMo 1994, relating to motor vehicle safety requirements, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 122--By Lybyer.

An Act to repeal section 89.142, RSMo 1994, relating to peripheral zoning, and to enact in lieu thereof one new section relating to the same subject.

SB 123--By Goode, Wiggins and Jacob.

An Act to repeal sections 640.102, 640.115, 640.120, 640.125, 640.130, 644.101, 644.116 and 644.122, RSMo 1994, and section 640.100, RSMo Supp. 1996, relating to public drinking water, and to enact in lieu thereof twelve new sections relating to the same subject with penalty provisions.

SB 124--By Goode.

An Act to repeal section 144.025, RSMo 1994, relating to taxation, and to enact in lieu thereof one new section

relating to the same subject.

SB 125--By Goode.

An Act to amend chapter 640, RSMo, by adding two new sections relating to environmental protection, with penalty provisions.

SB 126--By House.

An Act to amend chapter 170, RSMo, by adding one new section relating to sexual education in public schools.

SB 127--By Goode.

An Act to repeal section 260.035, RSMo Supp. 1996, relating to the environmental improvement and energy resources authority, and to enact in lieu thereof one new section relating to the same subject.

SB 128--By Mathewson and Scott.

An Act to repeal sections 408.100, 408.200, 408.232 and 408.233, RSMo 1994, and section 408.140, RSMo Supp. 1996, relating to financial transactions, and to enact five new sections relating to the same subject.

SB 129--By Westfall.

An Act to repeal sections 302.302, 302.505, 302.510, 302.520, 302.541, 577.012 and 577.037, RSMo Supp. 1996, relating to alcohol-related traffic offenses, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

SB 130--By Staples.

An Act to repeal section 571.030, RSMo Supp. 1996, relating to weapons offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 131--By Staples.

An Act to repeal section 301.041, RSMo 1994, relating to commercial vehicle registration, and to enact in lieu thereof one new section relating to the same subject.

SB 132--By Staples.

An Act to repeal section 115.361, RSMo Supp. 1996, relating to elections, and to enact in lieu thereof one new section relating to the same subject.

SB 133--By Westfall.

An Act to repeal section 190.308, RSMo Supp. 1996, relating to emergency telephone service, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 134--By Westfall.

An Act to repeal sections 416.410, 416.415, 416.420, 416.425, 416.430, 416.435, 416.440, 416.445, 416.450, 416.455, 416.465, 416.470, 416.475, 416.480, 416.485, 416.495, 416.500, 416.505, 416.510, 416.515, 416.520, 416.525, 416.530, 416.535, 416.540, 416.545, 416.550, 416.555, and 416.560, RSMo 1994 and sections 416.460 and 416.490, RSMo Supp. 1996, relating to unfair milk sales practices.

SB 135--By Westfall.

An Act to repeal sections 196.931, 196.933, 196.935, 196.937, 196.941, 196.943, 196.945, 196.947, 196.949, 196.951, 196.953, 196.955, 196.957 and 196.959, RSMo 1994, and section 196.939, RSMo Supp. 1996, relating to the state milk board, and to enact in lieu thereof fourteen new sections relating to the same subject.

SB 136--By Sims.

An Act to repeal section 198.073, RSMo 1994, relating to residential care facilities I and II, and to enact in lieu thereof one new section relating to the same subject.

SB 137--By Sims.

An Act to repeal sections 197.305, 197.317 and 197.318, RSMo Supp. 1996, relating to certain institutional health care services, and to enact in lieu thereof three new sections relating to the same subject.

SB 138--By Sims.

An Act to amend chapter 79, RSMo, by adding one new section relating to city regulation of apartment complexes.

SB 139--By Sims.

An Act to repeal section 226.540, RSMo 1994, relating to the regulation of outdoor advertising, and to enact in lieu thereof one new section relating to the same subject.

SB 140--By Banks.

An Act to repeal sections 303.026, 303.030 and 303.040, RSMo 1994, relating to financial responsibility for motor vehicles, and to enact in lieu thereof three new sections relating to the same subject.

SB 141--By Quick.

An Act to repeal sections 338.196, 338.220 and 338.365, RSMo 1994, relating to pharmacists and pharmacies, and to enact in lieu thereof three new sections relating to the same subject.

SB 142--By DePasco and McKenna.

An Act to repeal sections 367.044, 367.045, 367.047, 367.048 and 367.050, RSMo 1994, relating to pawnbrokers, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

SB 143--By DePasco.

An Act relating to certain financial transactions on excursion gambling boats, with penalty provisions.

SB 144--By McKenna.

An Act to repeal sections 354.400 and 354.535, RSMo 1994, relating to health maintenance organizations, and to enact in lieu thereof two new sections relating to the same subject.

SB 145--By Goode.

An Act to repeal sections 260.380 and 260.479, RSMo 1994, relating to fees on hazardous wastes, and to enact in lieu thereof three new sections relating to the same subject, with an effective date for certain sections.

SB 146--By Goode.

An Act to repeal section 162.857, RSMo Supp. 1996, relating to special school districts and to enact in lieu

thereof two new sections relating to the same subject, with a termination date for a certain section and an emergency clause.

SB 147--By Kinder, Russell, Rohrbach, Staples, Lybyer, Klarich, Goode, DePasco, Yeckel, Ehlmann, Singleton, Bentley, Kenney, Flotron, Childers, Graves, Westfall, Sims, Wiggins and Scott.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to employer references.

SB 148--By Klarich.

An Act to repeal section 381.412, RSMo Supp. 1996, relating to estate settlement agents, and to enact in lieu thereof one new section relating to the same subject.

SB 149--By Sims.

An Act to repeal section 82.210, RSMo 1994, relating to constitutional charter cities, and to enact in lieu thereof one new section relating to the same subject.

SB 150--By Caskey.

An Act to repeal sections 354.710 and 375.012, RSMo 1994, and to enact in lieu thereof two new sections relating to prepaid dental plans.

SB 151--By Singleton.

An Act to repeal section 536.018, RSMo 1994, relating to administrative procedure for school districts, and to enact in lieu thereof one new section relating to the same subject.

SB 152--By House.

An Act to repeal section 169.660, RSMo Supp. 1996, relating to nonteacher school employee retirement, and to enact in lieu thereof one new section relating to the same subject.

SB 153--By House.

An Act to amend chapter 660, RSMo, by adding thereto three new sections relating to the establishment of caseload standards for certain employees of the department of social services.

SB 154--By House.

An Act to repeal section 544.170, RSMo 1994, relating to warrantless arrests and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 155--By House.

An Act to repeal section 67.1000, RSMo Supp. 1996, relating to tourism sales taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 156--By Jacob.

An Act to repeal section 144.140, RSMo 1994, and section 144.020, RSMo Supp. 1996, relating to sales taxation, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause and a contingent effective date.

SB 157--By Schneider.

An Act to repeal sections 407.815, 407.824 and 407.835, RSMo 1994, relating to motor vehicle franchise practices, and to enact in lieu thereof eight new sections relating to the same subject.

SB 158--By Goode.

An Act to repeal section 210.245, 210.252 and 210.256, RSMo 1994, and section 210.221, RSMo Supp. 1996, relating to the regulation of certain child care providers, and to enact in lieu thereof four new sections relating to the same subject.

SB 159--By Kinder.

An Act to repeal sections 571.020, 571.070 and 571.090, RSMo 1994, and section 571.030, RSMo Supp. 1996, relating to certain weapons offenses, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

SB 160--By Kenney.

An Act to repeal sections 303.024, 303.025, 303.026, 303.030, 303.042, 303.043, 303.140, 303.290, 303.370, and 379.203, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof ten new sections relating to the same subject.

SB 161--By Johnson.

An Act to repeal section 536.017, RSMo 1994, relating to takings analysis, and to enact in lieu thereof one new section relating to the same subject.

SB 162--By Caskey.

An Act to repeal sections 57.201, 57.220, 57.221, 57.251, 85.011 and 590.500, RSMo 1994, and section 57.250, RSMo Supp. 1996, relating to peace officers, and to enact in lieu thereof six new sections relating to the same subject.

SB 163--By Caskey.

An Act to repeal section 474.490, RSMo 1994, and section 456.520, RSMo Supp. 1996, relating to decedents' estates, and to enact in lieu thereof thirteen new sections relating to the same subject.

SB 164--By Caskey.

An Act to repeal sections 59.330 and 381.031, RSMo 1994, relating to land title records, and to enact in lieu thereof two new sections relating to the same subject.

SB 165--By Mathewson.

An Act to repeal sections 143.805 and 178.896, RSMo 1994, and sections 135.225, 135.230, 135.247, 135.460, 135.500 and 135.516, RSMo Supp. 1996, relating to the department of economic development, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

SB 166--By Ehlmann.

An Act to amend chapter 208, RSMo, by adding thereto sixteen new sections relating to a community partnership program, with an effective date.

SB 167--By Ehlmann.

An Act to repeal section 49.600, RSMo 1994, and to enact in lieu thereof five new sections relating to flood plains, with penalty provisions.

SB 168--By House, Bentley and Graves.

An Act to repeal sections 163.161, 167.270 and 167.275, RSMo 1994, and sections 166.275, 167.263, 294.005, 294.011 and 294.030, RSMo Supp. 1996, relating to high school graduation rates, and to enact in lieu thereof eight new sections relating to the same subject.

SB 169--By Schneider.

An Act to repeal section 287.615, RSMo 1994, and section 286.005, RSMo Supp. 1996, relating to the department of labor and industrial relations, and to enact in lieu thereof two new sections relating to the same subject.

SB 170--By Caskey.

An Act to repeal section 347.015, RSMo Supp. 1996, relating to regulation of businesses, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

SB 171--By Caskey.

An Act to repeal section 429.015, RSMo 1994, relating to certain liens on real property, and to enact in lieu thereof two new sections relating to the same subject.

SB 172--By Curls.

An Act Chapter 376, RSMo, is amended by adding thereto five new sections relating to stop loss insurance regulation.

SB 173--By Mueller.

An Act to amend chapter 537, RSMo, by adding one new section relating to claims against certain licensed professionals.

SB 174--By Mueller.

An Act to repeal section 516.097, RSMo 1994, relating to the statute of limitations on certain tort actions, and to enact in lieu thereof one new section relating to the same subject.

SB 175--By McKenna.

An Act to repeal section 247.220, RSMo 1994, relating to public water supply districts, and to enact in lieu thereof one new section relating to the same subject.

SB 176--By Maxwell.

An Act to amend chapter 644, RSMo, by adding one new section relating to the authorization of additional state bonds.

SB 177--By Maxwell.

An Act to repeal sections 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, relating to joint municipal utility commissions, and to enact in lieu thereof nine new sections relating to the same subject, with a contingent effective date.

SJR 1--By Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 16 of article V of

the Constitution of Missouri relating to courts, and adopting one new section in lieu thereof relating to the same subject.

SJR 2--By Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri relating to the department of natural resources.

SJR 3--By Kinder.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the constitution of Missouri relating to the bill of rights, and enacting one new section relating to the same subject.

SJR 4--By Rohrbach.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, relating to certain funds in the state treasury and adopting two new sections in lieu thereof relating to the same subject.

SJR 5--By Maxwell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the constitution of Missouri relating to local government indebtedness, and adopting one new section in lieu thereof relating to the same subject.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 178--By Russell, Childers and Rohrbach.

An Act to repeal section 478.705, RSMo 1994, relating to judicial circuits, and to enact in lieu thereof two new sections relating to the same subject.

SB 179--By Johnson.

An Act to repeal sections 266.321 and 266.343, RSMo 1994, relating to fertilizer and to enact in lieu thereof two new sections relating to the same subject.

SB 180--By Johnson and Klarich.

An Act to amend chapter 620, RSMo, by adding one new section relating to the powers of regulatory boards of the Missouri Department of Economic Development.

SB 181--By Clay.

An Act to repeal section 115.299, RSMo 1994, and sections 115.277, 115.279 and 115.283, RSMo Supp. 1996, and to enact in lieu thereof five new sections relating to early voting procedures, with penalty provisions.

SB 182--By Klarich.

An Act relating to confidentiality of family planning records, with a penalty provision.

SB 183--By Mathewson.

An Act to amend chapter 208, RSMo, relating to the administration of public assistance programs, by adding eleven new sections relating to the same subject.

SB 184--By House.

An Act to repeal section 431.180, RSMo Supp. 1996, relating to payment for private construction work, and to enact in lieu thereof one new section relating to the same subject.

SB 185--By House.

An Act to repeal section 173.260, RSMo, relating to the child survivor grant program, and to enact in lieu thereof one new section relating to the same subject.

SB 186--By Childers.

An Act to repeal section 313.010, RSMo Supp. 1996, relating to licensed bingo games, and to enact in lieu thereof one new section relating to the same subject.

SB 187--By Childers.

An Act to repeal section 168.021, RSMo 1994, relating to certification of teachers, and to enact in lieu thereof one new section relating to the same subject.

SB 188--By Childers.

An Act to amend chapter 21, RSMo, relating to the general assembly by adding thereto one new section relating to the same subject.

INTRODUCTIONS OF GUESTS

On behalf of Senator McKenna, the President introduced to the Senate, his son, Ryan, Barnhart; his daughter, Lisa, Festus; Debbie Bell, Festus; and former State Representative, Bob Ward and his wife, Joy, Bonne Terre.

The President introduced to the Senate, Attorney General Jay Nixon; former State Senator Jim Murphy; and former State Representative Charles Becker.

Senator Quick introduced to the Senate, his wife, Jane, Liberty; his sister, Elise Thompson, Marshall; and his aunt, Vera Swanson, Independence.

Senator DePasco introduced to the Senate, his wife, Martha, Kansas City; his parents, Nick and Mildred DePasco, Kansas City; his sister, Linda Hess and her husband, Jim, Independence; his sister, Marilyn Daffer and her daughters, Jami Daffer and Holli Langle, Blue Springs; and George Gray and Bonnie Mace, Kansas City.

Senator Wiggins introduced to the Senate, Commissioner Jeff Simon, Chris Werner and Vernon Debo, Kansas City.

Senator Caskey introduced to the Senate, his wife, Kay and his son, Kyle, Butler; his brother, Robert Caskey and his wife, Alice, Windsor; his father, Alfred Caskey, Butler; and Virginia Finley, Hume.

Senator Yeckel introduced to the Senate, her husband, Robert, St. Louis; former State Senator Irene Treppler and her husband, Walter, St. Louis; and Frank Gregory, Charles Schneider, Gene Engelhardt, Jim Lembke, Jim Stonebraker, Sandra Horrell, Patricia Manfrede, John Judd and Cleon Gilberg, St. Louis.

Senator Jacob introduced to the Senate, his son, Daniel; his mother-in-law, Joy Sublette; and Gary Estenson, Rachael Horton, Chauntel Kelly and Mandy Ballenger, Boone County.

Senator Childers introduced to the Senate, his sister, Doris Witcher, and her husband, John, Strafford.

Senator Banks introduced to the Senate, his wife, Anita, St. Louis.

Senator Russell introduced to the Senate, his wife, Margaret, Lebanon; and Senator Westfall's wife, Sharon, Halfway.

Senator Kenney introduced to the Senate, Roberta Roller, Lee's Summit.

Senator Clay introduced to the Senate, Dawn Gray, St. Louis.

Senator McKenna introduced to the Senate, Judge John Anderson, Crystal City; and Judge Dennis Kehm, Hillsboro.

Senator Bentley introduced to the Senate, Monica Whitt and Marty Myers, Springfield.

Senator Mueller introduced to the Senate, former State Senator Frank Bild, and his son, Brian, St. Louis.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

SECOND DAY--THURSDAY, JANUARY 9, 1997

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we pray for the spirit with which this session started, to continue through May. We pray for You to watch over the newly elected leaders of this body. We pray for Divine guidance and wisdom to be with every senator and every staff member. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators

Jacob Staples--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 6, regarding Larry Jansen, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 7, regarding Fred Arbanas, which was adopted.

Senator Kenney offered Senate Resolution No. 8, regarding Glenn Haagar, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 9, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Sterrett, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 10, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William C. "Bill" McCray, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 11, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ray Reed, Lee's Summit, which was adopted.

Senator Johnson offered Senate Resolution No. 12, regarding Roy D. Wallace, St. Joseph, which was adopted.

CONCURRENT RESOLUTIONS

Senators Lybyer, Goode, Rohrbach, Flotron, Wiggins, Johnson, Kinder, Singleton, Russell, Staples, Maxwell and Westfall offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 3

WHEREAS, on November 8, 1994, the voters of Missouri adopted Section 3 of Article XIII, of the Constitution of Missouri; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the compensation of state elected officials, the General Assembly and state judges is to be set by the Missouri Citizens Commission on Compensation after public hearings and a review and study of the relationship of the compensation to the duties of the elected state officials, the members of the General Assembly and state judges; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that after the hearings, the Commission shall file its initial schedule of compensation with the Secretary of State and the Revisor of Statutes before December 1, 1996; and

WHEREAS, on November 25, 1996, the Revisor of Statutes received the 1996 Report and Compensation Schedule (Appendix A) of the Missouri Citizens Commission on Compensation for Elected Officials, dated November 30, 1996; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the schedule shall become effective unless disapproved by a concurrent resolution adopted by the General Assembly before February 1, 1997; and

WHEREAS, the members of the General Assembly feel the compensation recommended in the Compensation Schedule is excessive:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate of the Eighty-ninth General Assembly, the House of Representatives concurring therein, hereby reject the 1996 Compensation Schedule (Appendix A) of the 1996 Report and Compensation Schedule of the Missouri Citizens Commission on Compensation for Elected Officials, dated November 30, 1996.

Senators Singleton, Childers, Russell, Kenney and Westfall offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 4

WHEREAS, the voters of Missouri approved a constitutional amendment in 1994 which created a commission

charged with setting the amount of compensation paid to statewide elected officials, legislators and judges; and

WHEREAS, prior to the approval of this amendment, the General Assembly had the duty and responsibility of setting salaries; and

WHEREAS, the "Missouri Citizen's Commission on Compensation for Elected Officials" has recommended that salaries be increased for judges and legislators and that the per diem paid to legislators be increased; and

WHEREAS, the recommended increases range from 6% to 145%, at a time when the average annual inflation is only 3%; and

WHEREAS, the increase in legislative salaries will place Missouri legislators among the best paid legislators of the sixteen states with sessions of comparable length; and

WHEREAS, the salary increases afforded Missouri's judges are so generous that the judges of Missouri will be among the best paid judges in the country when this proposal becomes effective; and

WHEREAS, the changes recommended by the Missouri Citizen's Commission on Compensation for Elected Officials will take effect on July 1, 1997, unless disapproved by the General Assembly; and

WHEREAS, the General Assembly may disapprove of the recommendation in their entirety by a concurrent resolution approved by both the Senate and the House before February 1, 1997;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the First Regular Session of the Eighty-ninth General Assembly, the House concurring therein, that the recommendations of the Missouri Citizens Commission on the Compensation of Elected Officials be disapproved.

Senator Goode offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, telecommunications services and energy services are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications and energy services which will likely create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, ensuring adequate and affordable telecommunications and energy services will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Eighty-Ninth General Assembly, the House of Representatives concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function during the interim between the first and **second regular sessions of the Eighty-Ninth General Assembly**; and

BE IT FURTHER RESOLVED, that said committee conduct an in depth study and make appropriate recommendations concerning financial, legal, social, technological and economic issues of telecommunications and energy services taxation and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED, that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Eighty- Ninth General Assembly; and

BE IT FURTHER RESOLVED, that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Office of Public Counsel, telecommunications and energy service providers and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED, that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED, that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

Senator Goode offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 6

WHEREAS, the triumph of freedom and justice embodied in the Constitution of the United States of America give contemporary and future generations a structure for ordered liberty that has served this nation well;

WHEREAS, those historic decisions, augmented from time to time by Amendment, have given us a Constitution which permits each generation to overcome the great social disturbances of its time;

WHEREAS, protecting the rights of speech and assembly against overbearing government, the liberation of enslaved Americans; the right of women to vote, restraints on the power of concentrated wealth, the intelligent use of government to protect the economic interests of all and the use of national military power here and abroad have all been achieved through this Constitutional framework;

WHEREAS, the American people have well understood their Constitution and the values and powers it embodies;

WHEREAS, liberty, justice, and our physical and material security remain the goals of our generation and our hope for future generations;

WHEREAS, a Constitution which protects our personal security is the heart of the American system;

WHEREAS, our Constitution seeks to ensure that each person is free of the threat of attack, free of actions by others that diminish life, liberty, health, or property or that prevent the pursuit of happiness;

WHEREAS, the people of the nation are increasingly besieged by attacks on their personal security, their health and the health of their families, and their right to enjoy the air, water and natural resources of the nation;

WHEREAS, the continuing and growing threat to the public health and the natural resources of the nation is the challenge to our generation of the kind other generations have faced and overcome;

WHEREAS, we are the custodians of the health of our children and of future generations, whose ability to breathe clean air, drink healthful water, avoid poisons, and share in the spiritual regeneration that comes from wilderness and nature is in danger;

WHEREAS, we are obliged to protect each citizen from these threats as surely as were previous generations obliged to enhance freedom, justice and prosperity;

WHEREAS, a Constitutional remedy is necessary to accomplish this goal;

WHEREAS, the decision to seek a constitutional remedy is significant and necessary;

WHEREAS, the people have historically been reluctant to amend the Constitution except for the most compelling reasons;

WHEREAS, although this body shares that view, the commitment to the public health and environmental security of our citizens and of future generations is so important and so deeply a part of American tradition and values that it requires Constitutional status;

WHEREAS, we can no more rely on statutory protections for the environment and public health than the nation of one hundred and thirty years ago could rely on law alone for the liberation of enslaved Americans, nor could the nation of eighty years ago rely on law alone when it declared the right of women's suffrage to be a constitutional value;

NOW, THEREFORE, be it resolved by the Eighty-Ninth General Assembly of the State of Missouri that the Congress of the United States submit to the several states the following amendment to the Constitution of the United States:

The natural resources of the nation are the heritage of present and future generations. The right of each person to clean and healthful air and water, and to the protection of the other natural resources of the nations, shall not be infringed upon by any person.

BE IT FURTHER RESOLVED, that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of the above amendment to the Constitution of the United States;

BE IT FURTHER RESOLVED, that properly inscribed copies of this resolution be sent by the Secretary of the Senate to the members of the Missouri delegation to the Congress of the United States; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate is directed to send properly inscribed copies of this resolution to the Secretary of State and the presiding officer of each house of the legislature of each of the other states in the United States, to the Clerk of the United States House of Representatives, and to the Secretary of the United States Senate.

Senator Goode offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, the economic vitality and well-being of the state of Missouri depend on the availability of reliable, low-cost energy sources; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy, including electricity and other energy sources, and this trend has both potential benefits and potential adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, the Missouri General Assembly believes that it is in the best interest of the citizens of this state to explore the effects of competition in the generation, distribution and sale of energy;

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-Ninth General Assembly, the House of Representatives concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function during the interim between the first and second regular sessions of the Eighty-Ninth General Assembly; and

BE IT FURTHER RESOLVED, that said committee conduct an in depth study and make appropriate recommendations

concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale including consideration of the effects on residential customers, small business customers, large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED, that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Eighty-Ninth General Assembly; and

BE IT FURTHER RESOLVED, that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Division of Energy within the Department of Natural Resources, the Department of Economic Development, the Office of Public Counsel, energy utilities and representatives of all energy customer groups; and

BE IT FURTHER RESOLVED, that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED, that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

Senators Westfall, Russell and Singleton offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 8

WHEREAS, the voters of Missouri approved a constitutional amendment in 1994 which created a commission charged with setting the amount of compensation paid to statewide elected officials, legislators and judges; and

WHEREAS, prior to the approval of this amendment, the General Assembly had the duty and responsibility of setting salaries; and

WHEREAS, the General Assembly has exercised its duties responsibly and in keeping with its reputation for frugality; and

WHEREAS, the "Missouri Citizen's Commission on Compensation for Elected Officials" has recommended that salaries be increased for judges and legislators and that the per diem paid to legislators be increased; and

WHEREAS, the recommended increases range from 6% to 145%, even though the average annual inflation has been near three percent for several years; and

WHEREAS, the increase in legislative salaries will place Missouri legislators among the best paid legislators of the sixteen states with sessions of comparable length; and

WHEREAS, the salary increases afforded Missouri's judges are so generous that the judges of Missouri will be among the best paid judges in the country when this proposal becomes effective; and

WHEREAS, the new salaries of circuit judges would be substantially greater than three times the median household income in Missouri; and

WHEREAS, the changes recommended by the Missouri Citizen's Commission on Compensation for Elected Officials will take effect on July 1, 1997, unless disapproved by the General Assembly; and

WHEREAS, the General Assembly may disapprove of the recommendations by a concurrent resolution approved by both the Senate and the House before February 1, 1997;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the First Regular Session of the Eighty-ninth General Assembly, the House concurring therein, that the recommendations of the Missouri Citizens Commission on the Compensation of Elected Officials be disapproved.

Senators Russell, Bentley, Kinder, Kenney, Flotron, Ehlmann, Lybyer, Klarich, Rohrbach, Sims, Graves, Westfall, Childers, Singleton and Yeckel offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 9

WHEREAS, on November 8, 1994, the voters of Missouri adopted Section 3 of Article XIII, of the Constitution of Missouri; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the compensation of state elected officials, the General Assembly and state judges is to be set by the Missouri Citizens Commission on Compensation after public hearings and a review and study of the relationship of the compensation to the duties of the elected state officials, the members of the General Assembly and state judges; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that after the hearings, the Commission shall file its initial schedule of compensation with the Secretary of State and the Revisor of Statutes before December 1, 1996; and

WHEREAS, on November 25, 1996, the Revisor of Statutes received the 1996 Report and Compensation Schedule (Appendix A) of the Missouri Citizens Commission on Compensation for Elected Officials, dated November 30, 1996; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the schedule shall become effective unless disapproved by a concurrent resolution adopted by the General Assembly before February 1, 1997; and

WHEREAS, the members of the General Assembly feel the compensation recommended in the Compensation Schedule is excessive:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate of the Eighty-ninth General Assembly, the House of Representatives concurring therein, hereby reject the 1996 Compensation Schedule (Appendix A) of the 1996 Report and Compensation Schedule of the Missouri Citizens Commission on Compensation for Elected Officials, dated November 30, 1996.

Senator Graves offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10

WHEREAS, Missouri voters approved a constitutional amendment in November, 1994, known as section 3 of Article XIII of the Missouri Constitution; and

WHEREAS, this amendment created the Missouri Citizen's Commission on Compensation for Elected Officials, charged with setting the amount of compensation paid to statewide elected officials, members of the General Assembly and judges. The Commission is ordered to file its recommendations for salaries for these public officials; and

WHEREAS, the General Assembly had the duty of setting salaries prior to the voters' approval of this amendment; and

WHEREAS, the General Assembly had exercised its duties of setting salaries reasonably and responsibly; and

WHEREAS, on November 30, 1996, the Commission issued its 1996 Report and Compensation Schedule, which contains its salary recommendations; and

WHEREAS, the Commission's recommendations range from 6% to 145%, even though the average annual inflation has been near three percent for several years; and

WHEREAS, the Commission's recommendations increasing legislative salaries will result in more than a 30% increase in two years, which will place Missouri legislators among the best paid legislators of the sixteen states with sessions of comparable length; and

WHEREAS, the salary increases allocated to Missouri's judges are so generous that Missouri judges will be among the best paid judges in the nation under the Commission's recommendations; and

WHEREAS, the recommended increases of the Commission are exorbitant and unreasonable; and

WHEREAS, Missouri voters approved of handing over the duty of making salary recommendations to the Commission with the expectation that such recommendations would be fair and reasonable; and

WHEREAS, the recommended increases are unrealistic, given Missouri's reputation for frugal state spending, as well as the national trend towards cutting excess governmental expenditures; and

WHEREAS, subsection 8 of section 3 of Article XIII of the Missouri Constitution grants power to the General Assembly to disapprove the salary recommendations of the Commission by concurrent resolution; provided however, that if no action is taken by February 1, 1997, the salary recommendations shall take effect; and

WHEREAS, failure of the General Assembly to disapprove the salary recommendations would be unethical. The General Assembly has the duty to reject such an unreasonable proposal;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the First Regular Session of the Eighty-ninth General Assembly, the House concurring therein, that the recommendations of the Missouri Citizen's Commission on Compensation for Elected Officials be disapproved, pursuant to subsection 8 of section 3 of Article XIII of the Missouri Constitution; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Secretary of State.

Senators Kenney, Russell, Childers and Singleton offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 11

WHEREAS, In November, 1994, Missouri voters approved section 3 of Article XIII of the Missouri Constitution as a constitutional amendment; and

WHEREAS, Article XIII, Section 3 of the Missouri Constitution established the Missouri Citizen's Commission on Compensation for Elected Officials, charged with setting the amount of compensation paid to statewide elected officials, members of the General Assembly and judges. The Commission is ordered to file its recommendations for salaries for these public officials with the Secretary of State and the Revisor of Statutes by December 1, 1996, and every two years thereafter; and

WHEREAS, on November 30, 1996, the Commission issued its 1996 Report and Compensation Schedule, which contains its salary recommendations; and

WHEREAS, the Commission's recommendations range from 6% to 145%, even though the average annual inflation has been near three percent for several years; and

WHEREAS, the Commission's recommendations increasing legislative salaries will result in more than a 30% increase in two years, placing Missouri legislators among the highest paid legislators of the sixteen states with sessions of comparable length; and

WHEREAS, the salary increases allocated to Missouri's judges are so generous that Missouri judges will be among the highest paid judges in the nation under the Commission's recommendations; and

WHEREAS, Missouri voters approved of the creation of a Commission to make salary recommendations with the expectation that such recommendations would be equitable and reasonable; and

WHEREAS, the recommended increases are inappropriate, given Missouri's reputation for modest and careful state spending, as well as the national trend towards cutting excess governmental expenditures; and

WHEREAS, prior to the voters' approval of this amendment, it was the General Assembly's duty to set salaries; and

WHEREAS, the General Assembly had exercised its duties of setting salaries reasonably and responsibly; and

WHEREAS, subsection 8 of section 3 of Article XIII of the Missouri Constitution grants power to the General Assembly to disapprove the salary recommendations of the Commission by concurrent resolution; provided however, that if no action is taken by February 1, 1997, the salary recommendations shall take effect; and

WHEREAS, the General Assembly has the duty to reject such an unreasonable proposal. Failure of the General Assembly to disapprove the salary recommendations would be unethical;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the First Regular Session of the Eighty-ninth General Assembly, the House concurring therein, that the recommendations of the Missouri Citizen's Commission on Compensation for Elected Officials be disapproved, pursuant to subsection 8 of section 3 of Article XIII of the Missouri Constitution; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Secretary of State.

Senators Kinder, Ehlmann, Yeckel, Sims, Graves and Childers offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, the United States Environmental Protection Agency (EPA) has a responsibility under the federal Clean Air Act to review periodically the National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter (PM); and

WHEREAS, EPA is considering changes to both NAAQS, which includes tightening the ozone standard and adding a separate standard for particulate matter smaller than two and one-half microns in size (PM_{2.5}) in addition to the existing standard for particulate matter smaller than ten microns in size (PM₁₀); and

WHEREAS, states, through their citizens, legislative bodies and regulatory agencies, have worked hard to reduce air pollution and meet clean air requirements; and

WHEREAS, tightened standards could significantly expand the number of nonattainment areas for both standards and result in emissions controls in additional areas, thus imposing significant economic, administrative and regulatory burdens on more citizens, businesses and local governments; and

WHEREAS, there is very little monitoring data for PM_{2.5}; and

WHEREAS, current research indicates that there are many unanswered questions and uncertainties on the PM issue and the need for a more stringent standard, including: divergent opinions among scientists who have investigated this issue, lack of supporting toxicological data, lack of a plausible toxicological mechanism connecting PM_{2.5} to adverse health effects, lack of an established correlation between recorded levels and public health effects; and

WHEREAS, no clear scientific proof exists that tightening controls on PM2.5 or ozone would avoid alleged adverse health effects, while costs of implementing such a standard would assuredly be high;

WHEREAS, the Agency's action has been taken with virtually no evidence that the change in standards will result in significant health benefits and with no analysis of the enormous costs that will be charged to Missouri business and consumers and to those communities that must implement new complicated compliance programs;

WHEREAS, the Missouri Department of Natural Resources, in testimony before the EPA last fall, indicated that it was premature to tighten air standards severely without adequate health data on the need for such standards or sufficient information on the atmospheric transport of ozone and noted that the EPA has yet to even determine a "reference method" for collecting and reporting data on particulate matter;

WHEREAS, the EPA's own scientific adviser, the Clean Air Science Advisory Committee (CASAC) has recommended that the EPA proceed cautiously and improve the existing state of scientific knowledge before taking costly steps to further control ozone and fine particulate emissions;

WHEREAS, the Senate committee responsible for approving EPA's budget when it allocated \$19 million to study particulate matter, noting that it is premature for the EPA to order such drastic changes in air regulations without conducting the necessary scientific review;

NOW, THEREFORE, BE IT RESOLVED, that the Senate of the Eighty-Ninth Missouri General Assembly, the House of Representatives concurring therein, advise and strongly urge EPA to retain the existing NAAQS for ozone; and

BE IT FURTHER RESOLVED, that the EPA is advised and strongly urged to reaffirm the existing PM10 standard and conduct the additional PM2.5 monitoring and scientific research needed to address the issue of causality and other important unanswered questions before a proposal for a new PM2.5 standard or a revised PM10 standard is made; and

BE IT FURTHER RESOLVED, that the EPA should abandon its current consideration of a PM2.5 standard until more information, including, sound science and cost- effectiveness data are available; and

BE IT FURTHER RESOLVED, that the EPA is urged to identify any unfunded mandates or other administrative and economic burdens for state or local governments or agencies that would derive from changes to the NAAQS for ozone or particulate matter; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate prepare and transmit properly inscribed copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Missouri Congressional delegation, the Administrator of the United State Environmental Protection Agency and the Director of the Missouri Department of Natural Resources.

President Pro Tem McKenna referred **SCR 3, SCR 4, SCR 5, SCR 6, SCR 7, SCR 8, SCR 9, SCR 10, SCR 11, and SCR 12** to the Committee on Rules, Joint Rules and Resolutions.

Senator Quick moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Quick, **HCR 1** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell

McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent--with leave--Senators

Jacob	Staples--2
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Senator Quick moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Quick, **HCR 2** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Jacob	Staples--2
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Senators Kinder and Lybyer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 13

WHEREAS, the fair administration of Missouri's system of civil justice is a goal of both the Missouri General Assembly and the Missouri Supreme Court; and

WHEREAS, a judge of the Missouri Supreme Court told the St. Louis Post-Dispatch, which quoted him in a published report, that monetary awards granted by juries in civil cases in the city of St. Louis are ten times higher than judgments rendered in virtually any other jurisdiction out of 114 counties in the entire state; and

WHEREAS, defendants in lawsuits are completely defenseless in this situation, finding themselves at the mercy of plaintiffs' lawyers owing to Supreme Court Rule 51.03, which permits routine changes of venue in civil cases in counties having population of 75,000 or less; and

WHEREAS, this deplorable situation has produced a national scandal in which plaintiffs' lawyers file hundreds, even thousands, of cases in the city of St. Louis from approximately 300 miles away, even cases arising out of incidents occurring entirely in other states and having literally nothing to do with the state of Missouri, in which the parties, witnesses and attorneys are all from other states; and

WHEREAS, this scandal has brought ridicule, scorn and harm to the reputation of the city of St. Louis, the state of Missouri and to our system of dispensing civil justice; and

WHEREAS, more plaintiffs from Little Rock, Arkansas, are in St. Louis courts than St. Louis residents, according to a St. Louis attorney quoted in a news article published in the Columbia Tribune; and

WHEREAS, the filing of such cases has overloaded the courts of the state of Missouri, especially the courts of the city of St. Louis, to the extent that Missouri taxpayers are being burdened unnecessarily and state resources are being squandered on cases arising in other states and having literally nothing whatsoever to do with the state of Missouri; and

WHEREAS, other judges from distant parts of outstate Missouri are being transferred into the city of St. Louis, at great expense, to handle the expanding caseload there, needlessly disrupting and overburdening the entire system of civil justice in the state of Missouri; and

WHEREAS, this deplorable and indefensible situation amounts to nothing less than a denial to civil defendants of the "equal justice under law" that is claimed by the American judicial system as its highest ideal and noblest aspiration; and

WHEREAS, a simple rule change can be effected by a majority vote of the Supreme Court of Missouri, to wit, in the aforementioned Supreme Court Rule 51.03, by annulling or amending it so that defendants to lawsuits in counties with a population of 75,000 or fewer have the same protections that defendants in other counties currently enjoy pursuant to Supreme Court Rule 51.04; and

WHEREAS, a host of independent newspapers representing a wide range of philosophical orientations, from liberal to moderate to conservative and everything in between, have urged in editorials that Missouri government redress this serious imbalance in the delivery of civil justice in our state; and

WHEREAS, the Missouri Supreme Court has stated that it is within the authority of the Missouri General Assembly to change the venue statutes and to provide guidance on how Supreme Court rules relating to venue should be structured;

NOW, THEREFORE, BE IT RESOLVED, that the Missouri Senate of the Eighty-Ninth General Assembly, the House of Representatives concurring therein, hereby urges the members of the Supreme Court to redress the imbalance in Missouri's system of civil justice by voting to annul or amend Rule 51.03 so that Rule 51.04 will govern all requests for change of venue.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 189--By Caskey.

An Act to repeal section 165.011, RSMo Supp. 1996, relating to guaranteed energy saving performance contracts for schools, and to enact in lieu thereof one new section relating to the same subject.

SB 190--By Caskey.

An Act to repeal section 163.172, RSMo Supp. 1996, relating to minimum salaries for teachers, and to enact in lieu thereof one new section relating to the same subject.

SB 191--By Caskey.

An Act to amend chapter 701, RSMo, by adding one new section relating to grinder pump pressure sewer systems.

SB 192--By Caskey.

An Act to repeal sections 50.1020, 50.1030, 50.1090, 50.1130, 50.1140 and 50.1180, RSMo 1994, relating to the county employees' retirement system, and to enact in lieu thereof six new sections relating to the same subject.

SB 193--By Caskey.

An Act to amend chapter 362, RSMo, by adding one new section relating to certain banking practices, with a termination date.

SB 194--By Caskey.

An Act to repeal section 50.1130, RSMo 1994, relating to death benefits for county retirement system members, and to enact in lieu thereof one new section relating to the same subject.

SB 195--By Schneider.

An Act to repeal section 321.015, RSMo 1994, relating to fire protection districts, and to enact in lieu thereof one new section relating to the same subject.

SB 196--By Lybyer and Kinder.

An Act to amend Supreme court rule 2, canon 4, relating to judicial conduct.

SB 197--By Klarich.

An Act to repeal sections 351.093 and 351.323, RSMo 1994, and section 351.180, RSMo Supp. 1996, relating to corporations, and to enact in lieu thereof four new sections relating to the same subject.

SB 198--By Maxwell.

An Act to amend chapter 324, RSMo, by adding thereto fifteen new sections relating to regulation and registration of interior designers, with penalty provisions.

SB 199--By Wiggins.

An Act to amend chapter 115, RSMo, relating to the conduct of elections, by adding thereto one new section relating to a pilot program to provide notice of election to registered voters by mail.

SB 200--By Rohrbach.

An Act to repeal section 167.117, RSMo Supp. 1996, relating to reporting acts of school violence, and to enact in lieu thereof one new section relating to the same subject.

SB 201--By Clay.

An Act to repeal sections 169.440 and 169.475, RSMo Supp. 1996, relating to teacher and school employee

retirement systems in metropolitan school districts, and to enact in lieu thereof two new sections relating to the same subject.

SB 202--By Maxwell.

An Act to repeal sections 96.230, 96.240, 96.250, 96.260, 96.270, 96.280, 96.290, 205.590, 205.600, 205.610, 205.620, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 205.765, 205.766, 205.767, 205.769, 205.770, 205.780, 205.790, 205.800, 205.810, 205.820, 205.830, 205.840, 205.850, 205.860, 205.870, 205.880, 205.890, 205.900, 205.910, 205.920, 205.930, 205.940, 205.950, 207.010, 208.010, 208.015, 208.040, 208.041, 208.042, 208.043, 208.044, 208.047, 208.048, 208.050, 208.060, 208.075, 208.080, 208.120, 208.150, 208.160, 208.170, 208.180, 208.182, 208.325, 208.337, 208.339, 208.342, 208.345, 208.400, 208.405, 208.410, 208.415, 208.500, 208.503, 473.399 and 660.016, RSMo 1994, and sections 135.240 and 208.151, RSMo Supp. 1996, relating to public health and welfare, and to enact in lieu thereof thirty-seven new sections relating to the same subject.

SJR 6--By Flotron, Westfall, Mueller, Russell, Singleton, Sims, Klarich, Kinder, Rohrbach, Bentley, Ehlmann, Childers, Kenney, Graves and Yeckel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to compensation of elected officials.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 5**, begs leave to report that it has considered the same and recommends that the resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Resolution No. 5, as it appears in the Senate Journal for January 8, 1997, Page 7, Column 2, Line 1, by deleting the numeral "13" and inserting in lieu thereof the numeral "14"; and

Further amend said resolution, said page, said column, line 12, by deleting the numeral "11" and inserting in lieu thereof the numeral "12".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 1**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

RESOLUTIONS

Senator Johnson offered Senate Resolution No. 12, regarding Roy D. Wallace, St. Joseph, which was adopted.

Senator McKenna moved that **SR 5**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

SR 5, as amended, was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Jacob	Staples--2
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CONCURRENT RESOLUTIONS

Sen ator Wiggins requested unanimous consent of the Senate that the rules be suspended and that **SCR 1** be taken up for adoption, which request was granted.

On motion of Senator Wiggins, **SCR 1** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Jacob	Staples--2
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MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 2**.

COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following committee, pursuant to **HCR 1**: Senators Caskey; Jacob; House; Maxwell; Schneider; Wiggins; Ehlmann; Kinder; Klarich; and Russell.

President Pro Tem McKenna appointed the following committee, pursuant to **HCR 2**: Senators Banks; DePasco; Johnson; Staples; Scott; Quick; Yeckel; Bentley; Sims; and Childers.

President Pro Tem McKenna appointed the following committee, pursuant to **SCR 2**: Senators Quick, Chairman; Banks; Caskey; Curls; Flotron; Goode; Howard; Johnson; Lybyer; Mathewson; Mueller; Rohrbach; Russell; Schneider; Scott; Singleton; Staples; and Wiggins.

President Pro Tem McKenna submitted the following committee appointments:

SENATE STANDING COMMITTEES

89TH GENERAL ASSEMBLY

AGING, FAMILIES AND MENTAL HEALTH

Senators: Howard, Chair

Johnson, Vice-chair

Clay

Staples

Bentley

Childers

Sims

AGRICULTURE, CONSERVATION, PARKS AND TOURISM

Senators: Johnson, Chair

Howard, Vice-chair

Caskey

House

Jacob

Lybyer

Childers

Graves

Klarich

Rohrbach

Singleton

APPROPRIATIONS

Senators: Lybyer, Chair

Wiggins, Vice-chair

Goode, Vice-chair

Clay

Curls

Howard

Johnson

Maxwell

Flotron

Kinder

Rohrbach

Russell

Singleton

Westfall

CIVIL AND CRIMINAL JURISPRUDENCE

Senators: Caskey, Chair

Banks, Vice-chair

DePasco

Goode

House

Bentley

Sims

Westfall

Yeckel

COMMERCE AND ENVIRONMENT

Senators: Goode, Chair

DePasco, Vice-chair

Mathewson

Maxwell

Schneider

Ehlmann

Kenney

Kinder

Rohrbach

CORRECTIONS AND GENERAL LAWS

Senators: Scott, Chair

Staples, Vice-chair

McKenna

Quick

Ehlmann

Flotron

Mueller

EDUCATION

Senators: House, Chair

Johnson, Vice-chair

Caskey

Clay

Goode

Jacob

Maxwell

Bentley

Graves

Kenney

Kinder

Russell

Westfall

ELECTIONS, PENSIONS AND VETERANS' AFFAIRS

Senators: DePasco, Chair

Maxwell, Vice-chair

Curls

Howard

Jacob

Kenney

Rohrbach

Sims

Yeckel

ETHICS

Senators: Caskey, Chair

Scott, Vice-chair

Quick

Schneider

Wiggins

Flotron

Russell

Singleton

Westfall

FINANCIAL AND GOVERNMENTAL ORGANIZATION

Senators: Maxwell, Chair

Clay, Vice-chair

Howard

Mathewson

Quick

Bentley

Kinder

Klarich

Yeckel

INSURANCE AND HOUSING

Senators: Curls, Chair

House, Vice-chair

Banks

DePasco

Mathewson

Klarich

Mueller

Rohrbach

Sims

INTERSTATE COOPERATION

Senators: Jacob, Chair

Clay, Vice-chair

Staples

Flotron

Westfall

JUDICIARY

Senators: Schneider, Chair

Caskey, Vice-chair

Howard

Maxwell

Wiggins

Ehlmann

Kinder

Klarich

Yeckel

LABOR AND INDUSTRIAL RELATIONS

Senators: Clay, Chair

DePasco, Vice-chair

House

Jacob

Mathewson

Childers

Kenney

Mueller

Sims

LOCAL GOVERNMENT AND ECONOMIC DEVELOPMENT

Senators: Mathewson, Chair

Scott, Vice-chair

Curls

Johnson

Childers

Graves

Yeckel

PUBLIC HEALTH AND WELFARE

Senators: Banks, Chair

Wiggins, Vice-chair

Curls

Goode

Jacob

Maxwell

Bentley

Sims

Singleton

Westfall

STATE BUDGET CONTROL

Senators: Scott, Chair

McKenna, Vice-chair

Banks

Caskey

Lybyer

Quick

Ehlmann

Flotron

Mueller

Singleton

TRANSPORTATION

Senators: Staples, Chair

McKenna, Vice-chair

DePasco

House

Scott

Childers

Graves

Russell

Westfall

WAYS AND MEANS

Senators: Wiggins, Chair

Goode, Vice-chair

Jacob

Caskey

House

Schneider

Childers

Flotron

Klarich

Mueller

Rohrbach

GUBERNATORIAL APPOINTMENTS

Senator Mathewson

INTRODUCTION OF BILLS

The following Bills were read the first time and 1,000 copies ordered printed:

SB 203--By Ehlmann.

An Act to repeal section 542.276, RSMo 1994, relating to criminal procedure, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 204--By Ehlmann and Goode.

An Act to amend chapter 441, RSMo, by adding one new section relating to cable television services to occupants of certain properties.

INTRODUCTIONS OF GUESTS

Senator Maxwell introduced to the Senate, Judge Glen Norton, Hannibal.

On motion of Senator Quick, the Senate adjourned until 10:30 a.m., Monday, January 13, 1997.

Journal of the Senate

FIRST REGULAR SESSION

THIRD DAY--MONDAY, JANUARY 13, 1997

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we ask for Divine guidance, safety and health for our governor and other elected officials during this term. We pray that every elected official in our great state be open to Divine wisdom, guidance and counsel. We are thankful for our state, its people and resources. Use all of us to make it even better. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Quick requested unanimous consent of the Senate that the Senate Journal for Thursday, January 9, 1997, be corrected on page 48, column 2, line 24, by adding after said line the following: "President Pro Tem McKenna referred the above concurrent resolution to the Committee on Rules, Joint Rules and Resolutions.", which request was granted.

The Journal for Thursday, January 9, 1997, was read and approved, as corrected.

Senator Quick announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators

Flotron	Scott--2
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 13, regarding Mid-America Dairymen, Inc., Springfield, which was adopted.

Senator Lybyer offered Senate Resolution No. 14, regarding Mr. Robert Emmett Myers, Rolla, which was adopted.

Senators Mathewson and Goode offered Senate Resolution No. 15, regarding Jerry J. Presley, Jefferson City, which was adopted.

Senator Staples offered Senate Resolution No. 16, regarding Jan Sisk, Salem, Arkansas, which was adopted.

Senator Staples, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 17

WHEREAS, the members of the Missouri Senate are always deeply saddened by the passing of a friend and colleague whose tireless commitment to public service had greatly enhanced the overall effectiveness of state government; and

WHEREAS, the Honorable Marvin L. Dinger of Pilot Knob departed this life on January 3, 1997, leaving a legacy rich in achievement that will positively affect the lives of countless citizens for many years to come; and

WHEREAS, born in Ironton on September 30, 1921, Marvin Dinger was educated at the University of Missouri and at Washington University in St. Louis, where he earned his Doctor of Jurisprudence degree; and

WHEREAS, Marvin Dinger served his country in the U.S. Army Air Corps during World War II from 1943 to 1946 and went on to serve in the U.S. Air Force from 1947 until 1952 before leaving the military with the rank of First Lieutenant; and

WHEREAS, Marvin Dinger entered the political arena in 1962 with his election as prosecuting attorney of Iron County, after which he commenced an impressive legislative career that took him to the statehouse in Jefferson City; and

WHEREAS, Mr. Dinger won election to the Missouri House of Representatives from the 128th District in 1964 and served in that legislative body for a total of eight years, during which he earned the faith, confidence, and trust of the people who elected him to represent the 20th District in the Missouri Senate in 1974; and

WHEREAS, during his eight-year tenure in the Senate, Marvin Dinger distinguished himself through his outstanding leadership as chairman of the influential Judiciary, Criminal Jurisprudence, and Corrections committees; and

WHEREAS, Mr. Dinger returned to the private practice of law in Iron County in 1982, while maintaining membership in such organizations as St. Paul's Lutheran Church, the Lions Club, the Benevolent and Protective Order of Elks, the Veterans of Foreign Wars, the Parent Teachers Association, and the Missouri Bar Association:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, solemnly pause to reflect upon the lifetime accomplishments of former Senator Marvin L. Dinger as a final tribute to his memory; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the loved ones of the late Marvin L. Dinger, as an expression of our deepest sympathy.

Senators Goode and Staples offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 18

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate acknowledge the Eightieth Birthday of an outstanding resident of our state, Leo A. Drey, an environmental philanthropist whose dedication to advancing the cause of appropriate land and water use is unparalleled across the entire United States; and

WHEREAS, born on January 19, 1917, St. Louis native Leo Drey enjoyed his summer camp experiences in Colorado and New England, adventures which helped nurture his love of the outdoors and the forest and inspire him to choose the most proper and fitting career following his

education at Antioch College and a brief term of service at the Wohl Shoe Company in St. Louis; and

WHEREAS, Leo Drey began acquiring timber land in the southern Ozarks for reforestation in 1950, a project known as Pioneer Forest that currently includes just under 160,000 acres and enjoys distinction as the largest private land holding in the state, larger than the entire state park system; and

WHEREAS, although a commercial forest, Pioneer Forest is managed in the public interest, employs only selective harvesting techniques, and maintains a detailed computerized inventory of specially-selected plots every five years which gives Pioneer staff a very accurate picture of forest conditions and rates of growth; and

WHEREAS, an open-air laboratory which has successfully seen a marked improvement in timber quality and overall forest conditions despite nearly fifty years of annual cutting, Pioneer Forest techniques have been studied by federal, state, and other private foresters who seek to learn how to harvest timber without detracting from the aesthetics and long-term viability of the forest and surrounding watersheds; and

WHEREAS, an avid canoe floater and champion of river and stream protection, Leo Drey founded the L-A-D Foundation which acquires and protects high quality natural areas in the state and leases many of the sites to the Missouri Department of Conservation and the Missouri Department of Natural Resources for \$1 annually; and

WHEREAS, Leo Drey has been known, admired, and respected for many years as the defender and protector of Greer Spring; founder and/or leader of the Missouri Coalition for the Environment, the St. Louis Open Space Council, the Missouri Chapter of the Nature Conservancy, and the Missouri Parks Association; member of many advisory committees, including the School of Natural Resources at the University of Missouri; and president and member of the board of Antioch College:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join in extending our most hearty congratulations to the Godfather of Missouri Conservation, Leo Drey, upon the occasion of his Eightieth Birthday on January 19, 1997, and in wishing him continued success in his honorable and heartfelt quest for excellence in protecting our land and waters; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mr. Leo Drey.

Senator Quick moved that the Senate stand in recess, and the Senators repair to the Rotunda of the Capitol where they will meet the House of Representatives in Joint Session to witness the inauguration of the incumbent Governor, Mel Carnahan, and receive his message, which motion prevailed.

JOINT ASSEMBLY

The Senate and the House of Representatives met in Joint Assembly in the Rotunda of the Capitol and President Pro Tem McKenna called the Joint Assembly to order.

Governor Mel Carnahan was conducted to his place on the Inaugural Platform by the Legislative Inaugural Committees of the 89th General Assembly.

Austin Carnahan lead the audience in the Pledge of Allegiance to the Flag.

LeAndre Richardson sang the National Anthem.

The Invocation was offered by Rev. Thomas J. Savage, S.J., President, Rockhurst National Seminars Group.

Judge John Lyon Anderson, Judge of the 23rd Judicial Circuit Court, administered the oath of office to Attorney General Jeremiah W. (Jay) Nixon.

Judge Calvin R. Holden, Judge of the 31st Judicial Circuit Court, administered the oath of office to State Treasurer Bob Holden.

Judge John W. Grimm, Judge of the 32nd Judicial Circuit Court, administered the oath of office to Secretary of State Rebecca McDowell Cook.

Judge Gene Hamilton, Judge of the 13th Judicial Circuit Court, administered the oath of office to Lieutenant

Governor Roger B. Wilson.

Reading of the Scripture was offered by The Reverend Dr. Robert A. Johnston, Senior Pastor, First Baptist Church, Rolla, Missouri.

Rabbi Susan Talve, Central Reform Congregation, St. Louis, Missouri, offered the Prayer of Dedication.

The Honorable Christopher S. Bond, United States Senator, was introduced.

The Honorable Ike Skelton, Representative, 4th Congressional District, was introduced.

The Honorable Karen McCarthy, Representative, 5th Congressional District, was introduced.

The Honorable Jo Ann Emerson, Representative, 8th Congressional District, was introduced.

The Honorable Ken Hulshof, Representative, 9th Congressional District, was introduced.

The Honorable Margaret B. Kelly, State Auditor, was introduced.

Representative Steve Gaw, Speaker of the Missouri House of Representatives, was introduced.

The Chief Justice, John C. Holstein, and the Judges of the Missouri Supreme Court were introduced.

Former Governor of Missouri, the Honorable Warren E. Hearnes, was introduced.

Former Secretary of State, the Honorable James Kirkpatrick, was introduced.

Veterans' Representative, Medal of Honor Winner, Col. Donald E. Ballard, was introduced.

Senator Edward E. Quick, Chairman of the Senate Inaugural Committee, and other members of the Committee were introduced.

Representative May Scheve, Chairman of the House of Representatives Inaugural Committee, and other members of the Committee were introduced.

Emanuel Cleaver, Mayor of Kansas City, was introduced.

Freeman Bosley, Jr., Mayor of the City of St. Louis, was introduced.

Thomas R. Green and James B. Nutter, Sr., Co-Chairmen of the Governor's Honorary Inaugural Committee, and other members of the Committee were introduced.

Parade Marshal, Cindy Thresher, 1996-97 Teacher of the Year, was introduced.

Harris-Stowe State College Concert Chorale, arranged and conducted by Dr. Doris Jones Wilson, sang a Patriotic Medley.

The Honorable Ronnie L. White, Justice of the Missouri Supreme Court, was introduced.

The oath of office was administered to Governor Mel Carnahan by Justice White. Immediately after administration of the oath, military honors were rendered to Governor Carnahan with the firing of a nineteen gun salute by First Battalion, 128th Field Artillery, Columbia, Missouri.

Governor Carnahan delivered his Inaugural Address.

Governor Mel Carnahan

Jefferson City, Missouri

January 13, 1997

Two rural school teachers made a lasting impression on me. They were my parents--one a school superintendent; the other an English teacher. Both had a way of going far beyond what was expected of them.

When they saw youngsters coming to school hungry, they knew that little learning would take place. So they started a hot lunch program. They hauled surplus flour and butter from the railway depot to school in their pickup truck so bread could be made for the students.

Because my father knew that education was more than reading and writing, he formed a band, and became its leader. He also felt that learning teamwork was important, so he organized a basketball team. Of course, the school couldn't afford a coach, so he took on the extra duty himself.

And because there were some students who lived out beyond the bus routes and couldn't get to school, my mother and father took those students into our own home to stay during the school year.

I've thought of my parents often during the past four years as I have served in the office of Governor--the place where I now have the chance to affect the education of Missouri's children.

I evoke their memory today because who we are, and what we value most comes from the past. Even as we stand here today, we are encircled by the symbols of Missouri's heritage--the capitol...church...courts...and citizens of our state. I am also mindful that we are gathered in a capital city named for one of the great founders of democracy, Thomas Jefferson. We are here today because he--at the turn of a new century--dreamed of a nation that would one day stretch from shore to shore.

Today we approach **our** new century.

A lot has changed--not just from Jefferson's time, but even from the days of my parents when it was a huge undertaking to travel ten miles from home. Today we ride over highways undreamed of back then. One such highway is already transforming our lives--the information super highway. Last month we heard about a new computer that performs a trillion calculations a second; it handles in fifteen seconds what would take someone with a calculator 250,000 years to accomplish.

We prepare to explore a new era--an era in which learning to operate a computer will be as crucial as it was for our parents' and grandparents' generation to operate a car.

These generations of Missourians met their challenges and left us a worthy example--they helped America fight and win cruel wars, came home and built the strongest economy the state has ever seen, and sent a message of freedom heard around the world.

We must not mock their vision with lesser dreams.

Enriched by their values, inspired by their achievement, we are intent on giving our children the tools and opportunities needed for global living.

In keeping with that commitment, I will--as my first official act of this new term meet with some students of the high school graduating class of the year 2000.

To those students and others like them, I pledge not merely to celebrate what we have accomplished, but to dedicate myself to those whose accomplishments are yet to come.

Such work does not begin today; we have made progress since I stood here four years ago.

Missouri's economy is strong, with more than 300,000 new jobs.

We are reforming Missouri's schools, cutting the crime rate, and moving people from welfare rolls to payrolls.

When disaster struck, in the form of the worst floods the state had seen in hundreds of years, Missourians moved quickly to help their neighbors. We created relocation plans for the future that have already saved millions of tax dollars and much disruption of lives.

I say all this not just because of the statistics--for there are limits to what numbers can tell us about the daily lives of people.

I speak of our progress because I have seen it first hand.

I've seen it in Rogersville, where I went to one of our A+ Schools and spoke with high school seniors who would have been dropouts, and now are being trained for real jobs.

I've seen it in Nevada, where folks are converting an abandoned building into a telecommunity center. Soon they will be able to use video conferencing and other high tech resources--usually available only in big cities--to compete for new businesses and jobs.

I've seen it at William Woods University, where a woman who had been on welfare recently came up to me. She was in the FUTURES program--Missouri's superb initiative designed to train able-bodied welfare recipients and get them back on their feet again. This young woman was graduating from college and beginning her new life as a teacher. She pointed to her own two children, two and four years old, and said--"The FUTURES Program not only made a difference for me, it's making a difference for them."

Yes, we are preparing our people and our state for the 21st century. But much is left to be done.

The achievements of a generation, like any journey, are made up of small individual steps.

The most important of these steps will be made hand-in-hand with our children, whose care and future we value more than our own well-being.

It has been said that: "A child is a person who is going to carry on what you have started. He is going to sit where you are sitting and when you are gone, attend to those things which you think are important. He will assume control of your cities, states and nations. The fate of humanity is in his hands. Teach him well."

Abraham Lincoln put it this way in one of his earliest of public statements: "I view education as the most important subject which we as a people can be engaged in."

I think this is what Governor Lon Stevens had in mind at his inaugural exactly a hundred years ago. As he stood on this hilltop, looking into a new century, he reminded Missourians that when it came to our public schools, "nothing should be more carefully guarded or more vigorously promoted."

What was true in 1897 is equally true in 1997.

Let there be no doubt--this administration will vigorously promote education, not just with words, but through plans and hard work that translate into achievement.

To those who know that the skills for the jobs of the 21st Century cannot always be acquired by the 12th grade, we pledge an all-out effort to make grades 13 and 14 as available as a high school diploma is today.

To those who know that without computer training you cannot find opportunity in the workplace of the century ahead, we pledge this--a state in which every school is linked to the information highway, and equipped with the computers to provide hands-on training for every student.

Let it be our goal to make every Missouri youngster computer literate by age twelve.

To those determined that Missouri's colleges and universities maintain their excellent reputation, let me say this--we too, share that resolve. There should be no company locating in another state because workers with the skills needed by new businesses were unavailable within our borders.

Reaching new levels of excellence will not be easy for any of us. The difficulty of educating a child is apparent to anyone who has sat with a son or daughter over algebra homework, or tried to persuade them to turn off Nintendo 64 to read a book.

Education doesn't just happen in the classroom. It happens in the home. It occurs when schools are safe. It comes when students are healthy and well-nourished.

And so, we further pledge that we will create the surroundings in which education can flourish, where schools are free of guns, gangs and drugs, and where learning is enhanced by good health and nutrition.

And because we know that learning begins long before school ever starts, we are expanding our nationally recognized Parents as Teachers initiative and support for early childhood education. We must make Missouri a state in which every child goes to school healthy, immunized and ready to learn.

A while back, as I toured a school with the local superintendent, he explained his approach to education. "We want to leave no child behind," he told me as he proudly pointed out the extra effort his community was putting forth to keep children in school and excited by learning.

His is a fitting goal for all of us. We must improve learning in all our schools, from Hayti to Hannibal; Eminence to Independence; St. Joseph to St. Louis.

Economically and socially, we cannot afford a Missouri of educational haves and have-nots.

We must leave no child behind. If we are to embrace the future, we must first embrace the child.

This cannot be the mission of government alone. Nor can it be accomplished only with dollars and hardware.

So, I urge new partnerships to begin between government and business and communities that will forge new endeavors. Surely, the education of our children is too important to remain the province of one party or one administration. We seek, we need the abilities and insights of all. Only then can we thrive as a people.

We in this age of technology know that the finest computers will help us realize our aims only if those using them are instilled with the values and vision on which our state and nation have been built.

This is truly our greatest challenge as we are summoned by a new century. One that calls for bold plans and courageous deeds.

May we not approach this new era with faltering steps or flinching spirit.

Rather, let us go forth hand in hand, like partners in a great adventure. Girded in faith, made strong by hope, firm in the knowledge that He who directs the course of the universe as well as the flight of the sparrow, will guide us in a sure and certain path.

And generations from now, when the balloons and bunting are gone, and when our speeches are shelved in the archives, those who are children now will remember our deeds. May they look back and say, we preserved the future for them.

Let them say, too, that Missouri, once the gateway to the frontier, opened a gateway to the future. And in that new era, may we be guided not only by innovation and enterprise, but by virtues as timeless as those taught by those two Ozarks school teachers who shaped my life more than half a century ago.

Harris-Stowe State College Concert Chorale sang the Battle Hymn of the Republic.

The Benediction was pronounced by Pastor Sammie E. Jones, Mt. Zion Missionary Baptist Church, St. Louis, Missouri.

The audience remained standing, and Governor Carnahan was escorted from the platform by the Legislative Inaugural Committee.

President Pro Tem of the Senate, Senator William P. McKenna, adjourned the Joint Session of the 89th General Assembly. Immediately thereafter the University of Missouri-Columbia Symphonic Band, directed by L. Kevin Kastens performed.

On motion of President Pro Tem McKenna, the Joint Assembly dissolved.

The Senators returned to the Chamber and the Senate was called to order by Senator Howard.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 205--By Yeckel.

An Act to amend chapter 566, RSMo, by adding thereto three new sections relating to sex offenders, with penalty provisions.

SB 206--By Yeckel.

An Act to amend chapter 304, RSMo, by adding one new section relating to school bus operation, with an effective date.

On motion of Senator Quick, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1--Judiciary.

SB 2--Judiciary.

SB 3--Aging, Families and Mental Health.

SB 4--Ways and Means.

SB 5--Ways and Means.

SB 6--Financial and Governmental Organization.

SB 7--Ways and Means.

SB 8--Judiciary.

SB 9--Corrections and General Laws.

SB 10--Corrections and General Laws.

SB 11--Local Government and Economic Development.

SB 12--Ways and Means.

SB 13--Public Health and Welfare.

SB 14--Civil and Criminal Jurisprudence.

SB 15--Ways and Means.

SB 16--Ethics.

SB 17--Corrections and General Laws.

SB 18--Agriculture, Conservation, Parks and Tourism.

SB 19--Transportation.

SB 20--Local Government and Economic Development.

SB 21--Local Government and Economic Development.

SB 22--Appropriations.

SB 23--Public Health and Welfare.

SB 24--Insurance and Housing.

SB 25--Insurance and Housing.

SB 26--Elections, Pensions and Veterans' Affairs.

SB 27--Elections, Pensions and Veterans' Affairs.

SB 28--Transportation.

SB 29--Interstate Cooperation.

SB 30--Education.

SB 31--Commerce and Environment.

SB 32--Civil and Criminal Jurisprudence.

SB 33--Labor and Industrial Relations.

SB 34--Agriculture, Conservation, Parks and Tourism.

SB 35--Ways and Means.

SB 36--Civil and Criminal Jurisprudence.

SB 37--Civil and Criminal Jurisprudence.

SB 38--Aging, Families and Mental Health.

SB 39--Elections, Pensions and Veterans' Affairs.

SB 40--Elections, Pensions and Veterans' Affairs.

SB 41--Ways and Means.

SB 42--Commerce and Environment.

SB 43--Transportation.

SB 44--Ways and Means.

SB 45--Ethics.

SB 46--Corrections and General Laws.

SB 47--Commerce and Environment.

SB 48--Commerce and Environment.

SB 49--Civil and Criminal Jurisprudence.

SB 50--Corrections and General Laws.

SB 51--Corrections and General Laws.

SB 53--Civil and Criminal Jurisprudence.

SB 54--Judiciary.

SB 55--Labor and Industrial Relations.

SB 56--Judiciary.

SB 57--Corrections and General Laws.

SB 58--Local Government and Economic Development.

SB 59--Transportation.

SB 60--Labor and Industrial Relations.

SB 61--Insurance and Housing.

SB 62--Transportation.

SB 63--Agriculture, Conservation, Parks and Tourism.

SB 64--Education.

SB 65--Financial and Governmental Organization.

SB 66--Public Health and Welfare.

SB 67--Transportation.

SB 68--Ways and Means.

SB 69--Transportation.

SB 70--Corrections and General Laws.

SB 71--Commerce and Environment.

SB 72--Commerce and Environment.

SB 73--Commerce and Environment.

SB 74--Civil and Criminal Jurisprudence.

SB 75--Civil and Criminal Jurisprudence.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael D. Baker, 1 Dogwood Drive, Warrenton, Warren County, Missouri 63383, as a member of the Peace Officers Standards and Training Commission, for a term ending October 3, 1999, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Colleen K. Conrad, 7701 Kenridge Lane, St. Louis, St. Louis County, Missouri 63119, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2001, and until her successor is duly appointed and qualified; vice, Karyn Molnar, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Josephine L. Emerick, 14051 Calcutta Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Board for Architects, Professional Engineers and Land Surveyors, for a term ending September 1, 2000, and until her successor is duly appointed and qualified; vice, Thomas E. Barta, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lynn M. Ewing, Jr., Democrat, 146 Country Club Drive, Nevada, Vernon County, Missouri 64772, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2002, and until his successor is duly appointed and qualified; vice, Dr. L.M. Magruder, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James T. Mudd, 1080 Meadowbrook, Troy, Lincoln County, Missouri 63379, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2001, and until his successor is duly appointed and qualified; vice, Jeffrey S. Smith, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert A. Pearson, 3 Briar Point, Kansas City, Clay County, Missouri 64116, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2000, and until his successor is duly appointed and qualified; vice, James A. Olson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 207--By Maxwell.

An Act to amend chapter 178, RSMo, by adding one new section relating to postsecondary educational consortia.

SB 208--By Maxwell.

An Act to repeal section 41.435, RSMo 1994, and section 173.239, RSMo Supp. 1996, relating to the Missouri national guard, and to enact in lieu thereof two new sections relating to the same subject.

SB 209--By Maxwell.

An Act to repeal sections 375.007 and 379.114, RSMo 1994, relating to the issuance of insurance policies and to enact in lieu thereof two new sections relating to the same subject.

SJR 7--By Maxwell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the constitution of Missouri relating to joint municipal utility commission revenue bonds, and adopting one new section in lieu thereof relating to the same subject.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives to escort the Chief Justice pursuant to **HCR 1**. Representatives: May (108), Bauer, Parker, Thompson, Wilson, Bray, Gibbons, Patek, Hendrickson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives to escort the Governor pursuant to **HCR 2**. Representatives: Lakin, McLuckie, Scheve, Smith, Gunn, Gratz, Kauffman, Ostmann, Greisheimer, Vogel.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives pursuant to **SCR 2**. Representatives: Scheve, Gaw, Kreider, Backer, Crump, Days, Murray, Thompson, Williams (121), Tate, McBride, Wiggins, Richardson, Lograsso, Shields, Scott, Froelker, Kauffman.

COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following committees:

Administrative Rules: Senators Howard and Ehlmann.

Legislative Research: Senators Caskey, DePasco, Flotron, Mueller, Rohrbach and Russell.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, his daughters, Rachel and Elsa, Ballwin; and Rachel and Elsa were made honorary pages.

Senator Goode introduced to the Senate, Leslie Hogshead, Rev. Milton Mitchell, Sr., Debra Smith, and students from McCluer High School, Florissant; and Matthew Geiger, Erin Hogshead, Michael Mitchell, Tameka Smith and Eileen Webber were made honorary pages.

Senator Mathewson introduced to the Senate, Mark Kempton and his son, Brody, and Adam and Joyce Fischer, Sedalia; and Brody was made an honorary page.

Senator McKenna introduced to the Senate, his brothers and their wives, Don and Kim McKenna, Dennis and Terri McKenna, St. Louis; and Kevin and Patti McKenna, Jefferson County.

Senator Howard introduced to the Senate, his wife Shirla, Dexter; his son and daughter-in-law, John and Sara Howard, St. Louis; his daughter, Eliza Howard and Allen Winfrey, Little Rock, Arkansas; F.A. and Mary Findley, Poplar Bluff; John and Patti Shell, Pat Batten, Carrol Chaney, Deloris Wamble, Jamie and Amy Cook, Kenneth and Debbie Essner, Ron and Sheila Legrand, Dexter; Karen Patterson, Dudley; Regina Jolly, Portageville; Norma Cecil, Malden; Wendell, Pat and Lori Hoskins and Wendell Hoskins, II, Steele; Helen Lafferty, Cooter; Frank Sifford, Bloomfield; Dilip Kakaiya and Nick Robinson, Kennett; Bobby Powell, and Jean and Steven VanAusdall, Caruthersville.

Senator Staples introduced to the Senate, his wife, Barbara, Eminence; and Phillip Horn, Allen Wells, Bill Beckerman, Mark Jones, Cathy, Kim and Carolyn Tyler, St. Francois County.

Senator Caskey introduced to the Senate, Mary James, Harrisonville; and Greg Lee, Lake Winnebago.

Senator Banks introduced to the Senate, his wife, Anita, Anne Marie Clarke, Dr. Henry Given and Odel McGowan, St. Louis.

Senator Maxwell introduced to the Senate, Carla Ball, Kahoka.

Senator Kinder introduced to the Senate, Norma and Walt Wildman, Cape Girardeau.

Senator Sims introduced to the Senate, Norman B. Champ, Ladue.

The President introduced to the Senate, former Lieutenant Governor, Harriet Woods.

Senator Staples introduced to the Senate, Michelle, Brandon and Marissa Turner, and Lisa Dillard, Jefferson City; and Marissa was made an honorary page.

Senator Wiggins introduced to the Senate, Mark Fendler and Nissa Isselhard, Kansas City.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FOURTH DAY--TUESDAY, JANUARY 14, 1997

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Our Father and our God, we have all enjoyed the festive atmosphere of a new beginning in this chamber. Our prayer is that when the session ends we will have reason to rejoice because of decisions made, actions taken and work completed. Be with us all as we seek to bring that joy to the people of our state. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 210--By Flotron.

An Act to repeal section 523.045, RSMo 1994, relating to condemnation proceedings, and to enact in lieu thereof two new sections relating to the same subject.

SB 211--By Flotron.

An Act to repeal section 303.025, RSMo 1994, relating to motor vehicle liability insurance, and to enact one new section in lieu thereof relating to the same subject.

SB 212--By Wiggins Johnson, Curls and Quick.

An Act to repeal section 92.402, RSMo Supp. 1996, relating to transportation sales taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 213--By Schneider.

An act to repeal section 70.820, RSMo 1994, relating to peace officers' arrest powers, and to enact in lieu thereof one new section relating to the same subject.

RESOLUTIONS

Senators Schneider and Scott offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 19

WHEREAS, the Missouri Citizens Commission on Compensation for Elected Officials was established pursuant to Section 3 of Article XIII of the Missouri Constitution, adopted at the 1994 general election; and

WHEREAS, the purpose of the Commission is "to ensure that the power to control the rate of compensation of elected officials of this state is retained and exercised by the tax paying citizens of this state" rather than by the General Assembly; and

WHEREAS, in order to fulfill this purpose, the Constitution provides that no affected public official shall receive compensation for the performance of their duties, including salaries, mileage allowances or per diem expense allowances, other than in the amount established for each office by the Commission, and that until July 1, 1997, the compensation of such affected public officials shall be that in effect on the effective date of the amendment to the Constitution denominated as Article XIII, Section 3; and

WHEREAS, the Commission consists of twenty-two Missouri citizens: twelve appointed by the Governor, nine selected at random by the Secretary of State and one appointed by the Supreme Court, and includes representatives of large and small business, health care, agriculture, organized labor, personnel management, senior citizens, and its members reside in all geographic areas of the state; and

WHEREAS, the Commission is charged by the Constitution to "review and study the relationship of compensation to the duties of "public officials subject to this section of the Constitution, and to carry out this duty, the Commission conducted eleven public meetings at six different locations throughout the state; and

WHEREAS, testimony before the Commission was offered by numerous businesspersons, college presidents, lawyers and members of the public, in addition to the public officials affected by any changes in compensation proposed by the Commission; and

WHEREAS, technical assistance was provided to the Commission by a firm with substantial experience in other states evaluating the duties of public servants and recommending appropriate compensation for such persons; and

WHEREAS, the Commission filed its report and schedule of compensation with the Secretary of State and the Revisor of Statutes prior to December 1, 1996; and

WHEREAS, Section 3 of Article XIII provides that the schedule shall become effective on July 1, 1997, unless disapproved by concurrent resolution adopted by the General Assembly prior to February 1, 1997; and

WHEREAS, Section 3 of Article XIII provides that the General Assembly retains its historic authority to fund or not fund any portion of the

schedule of compensation since each recommendation within the schedule is "subject to appropriations" by the General Assembly; and

WHEREAS, it is the sense of the Missouri Senate that some of the recommendations within the schedule should not be fully implemented at this time and should be deferred and that the General Assembly should fund portions of the recommendations providing increases in salaries during the first regular session of this General Assembly and additional **portions during the second regular session, and that the General Assembly should recommend to the Ninetieth General Assembly that the remainder of the recommendations be funded** during its first and second regular sessions; and

WHEREAS, the recommendations of the Commission are designed so as not to discourage interested citizens from filing for public office by reason of the financial sacrifice such service might demand of persons who otherwise would be interested; and

WHEREAS, it is a matter of public record that interest in public office in Missouri is such that many incumbent officeholders seeking reelection often do so without opposition and many elections for state offices go uncontested; and

WHEREAS, although Missouri law supports the concept of a part-time legislature which meets approximately five months per year, legislators are frequently called upon to serve on interim committees exploring areas to be addressed in future legislative sessions and are also expected to be available to address constituent needs and problems regarding state government in their home districts; and

WHEREAS, current policies of the federal government have resulted in many governmental functions formerly exercised by the national government being transferred to state governments, including environmental regulation, public assistance, public health care, low income housing programs and special education programs, which have resulted in the need for well-informed legislators who must devote an increasing amount of time resolving problems now confronting state government; and

WHEREAS, the Senate, through its Senate Rules, has substantially reduced the ability of lobbyists to entertain senators or to provide financial benefits of any kind and that additional measures are now under consideration to further reduce the inappropriate use of financial resources by registered lobbyists; and

WHEREAS, the Commission recommended that members of the General Assembly receive approximately an 18.9 percent increase in compensation for fiscal year 1998, and a 7.7 percent increase in compensation for fiscal year 1999, which when compounded represents approximately an increase of 28 percent in salary from fiscal year 1997 to fiscal year 1999, and which represents an increase in total compensation of less than one hundred dollars per week for fiscal year 1998 and approximately forty eight dollars for fiscal year 1999;

WHEREAS, the plain language of Section 3 of Article XIII suggests that if the General Assembly adopts a concurrent resolution prior to February 1, 1997, disapproving the initial schedule of compensation filed by the Commission, any compensation payable for the offices under the jurisdiction of the Commission will be eliminated since the Constitution states that the only salary payable is "in the amount established for each office by the Missouri Citizens Commission on Compensation for Elected Officials"; and

WHEREAS, it is in the best interests of the state to avoid ambiguity and potential litigation in association with interpretation of the provisions of Section 3 of Article XIII of the Constitution;

NOW, THEREFORE, BE IT RESOLVED by a majority of the elected members of the Senate of the First Regular Session of the Eighty-Ninth General Assembly with respect to the portion of the report and schedule of compensation filed by the Missouri Citizens Commission on Compensation for Elected Officials relating to the salaries of members of the General Assembly, as follows:

1. That the increases for members of the General Assembly be implemented at a rate of twenty five percent per year over a four year period further adjusted by cost of living increases in the manner provided by Section 105.005, RSMo, so that the base salary of members of the General Assembly would be increased by the amount of Seven Percent per year for each of fiscal years 1998, 1999, 2000 and 2001;
2. That the Senate is hereby committed to appropriate an amount not to exceed that necessary for salaries of members of the General Assembly consistent with this resolution;
3. The Secretary of the Senate is instructed to inform the Speaker of the House of Representatives, the Governor and the Secretary of State of the adoption of this resolution by delivering a properly certified copy of this resolution to such persons upon adoption of this resolution.

Senators Schneider and Scott offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 20

WHEREAS, the Missouri Citizens Commission on Compensation for Elected Officials was established pursuant to Section 3 of Article XIII of

the Missouri Constitution, adopted at the 1994 general election; and

WHEREAS, the purpose of the Commission is "to ensure that the power to control the rate of compensation of elected officials of this state is retained and exercised by the tax paying citizens of this state" rather than by the General Assembly; and

WHEREAS, in order to fulfill this purpose, the Constitution provides that no affected public official shall receive compensation for the performance of their duties, including salaries, mileage allowances or per diem expense allowances, other than in the amount established for each office by the Commission, and that until July 1, 1997, the compensation of such affected public officials shall be that in effect on the effective date of the amendment to the Constitution denominated as Article XIII, Section 3; and

WHEREAS, the Commission consists of twenty-two Missouri citizens: twelve appointed by the Governor, nine selected at random by the Secretary of State and one appointed by the Supreme Court, and includes representatives of large and small business, health care, agriculture, organized labor, personnel management, senior citizens, and its members reside in all geographic areas of the state; and

WHEREAS, the Commission is charged by the Constitution to "review and study the relationship of compensation to the duties of "public officials subject to this section of the Constitution, and to carry out this duty, the Commission conducted eleven public meetings at six different locations throughout the state; and

WHEREAS, testimony before the Commission was offered by numerous businesspersons, college presidents, lawyers and members of the public, in addition to the public officials affected by any changes in compensation proposed by the Commission; and

WHEREAS, technical assistance was provided to the Commission by a firm with substantial experience in other states evaluating the duties of public servants and recommending appropriate compensation for such persons; and

WHEREAS, the Commission filed its report and schedule of compensation with the Secretary of State and the Revisor of Statutes prior to December 1, 1996; and

WHEREAS, Section 3 of Article XIII provides that the schedule shall become effective on July 1, 1997, unless disapproved by concurrent resolution adopted by the General Assembly prior to February 1, 1997; and

WHEREAS, Section 3 of Article XIII provides that the General Assembly retains its historic authority to fund or not fund any portion of the schedule of compensation since each recommendation within the schedule is "subject to appropriations" by the General Assembly; and

WHEREAS, it is the sense of the Missouri Senate that some of the recommendations within the schedule should not be fully implemented at this time and should be deferred, and that the General Assembly should fund portions of the recommendations providing increases in salaries during the first regular session of this General Assembly and additional portions during the second regular session, and that the General Assembly should recommend to the Ninetieth General Assembly that the remainder of the recommendations be funded during its first and second regular sessions; and

WHEREAS, the per diem reimbursement for actual and necessary expenses incurred during meetings of the Missouri Judicial Conference, which requires mandatory attendance by Missouri judges, has been historically the same amount as that provided for members of the General Assembly; and the sense of the Senate is that this correlation remain as currently provided; and

WHEREAS, the chief justice of the Supreme Court has traditionally received a differential in salary in the amount of Two Thousand Five Hundred Dollars per year, in compensation for additional administrative duties associated with such position; and

WHEREAS, the plain language of Section 3 of Article XIII suggests that if the General Assembly adopts a concurrent resolution prior to February 1, 1997, disapproving the initial schedule of compensation filed by the Commission, any compensation payable for the offices under the jurisdiction of the Commission will be eliminated since the Constitution states that the only salary payable is "in the amount established for each office by the Missouri Citizens Commission on Compensation for Elected Officials"; and

WHEREAS, it is in the best interests of the state to avoid ambiguity and potential litigation in association with interpretation of the provisions of Section 3 of Article XIII of the Constitution;

NOW, THEREFORE, BE IT RESOLVED by a majority of the elected members of the Senate of the First Regular Session of the Eighty-Ninth General Assembly with respect to the portion of the report and schedule of compensation filed by the Missouri Citizens Commission on Compensation for Elected Officials relating to salaries of state court judges other than municipal court judges, as follows:

1. That the increases for judges of the Supreme Court, Court of Appeals and circuit courts be implemented at a rate of twenty five percent per year over a four year period further adjusted by cost of living increases in the manner provided by Section 476.405, RSMo, so that such annual

increases in the base salary prior to such cost of living increases would be as follows: For judges of the Supreme Court and the Court of Appeals, 3.4 percent per year for each of fiscal years 1998, 1999, 2000 and 2001; for judges of the circuit courts, 3.7 percent for each of fiscal years 1998, 1999, 2000 and 2001;

2. That increases in salary for judges of the associate circuit divisions of the circuit court be implemented at the rate of twenty-five percent for fiscal year 1998 only so that such annual increases in the base salary prior to such cost of living increases would be 5.7 percent for fiscal year 1998; and that further consideration of the unfunded portion of the commission's recommendations for salaries of associate circuit judges be deferred until the second regular session of the Eighty-Ninth General Assembly, after the General Assembly has considered the issue of whether or not the Constitution should be amended to eliminate the requirement that an associate circuit judge be required in every county and after the General Assembly has considered the issue of deployment of judicial resources and legislation needed to ensure efficient use of associate circuit judges on a statewide basis;
3. That the amount of per diem reimbursement for expenses incurred during meetings of the Missouri Judicial Conference be calculated in the same manner as the amount of per diem is calculated for legislators;
4. That the chief justice of the Supreme Court shall continue to receive the additional Two Thousand Five Hundred Dollars currently provided by law to such position;
5. That the Senate is hereby committed to appropriate an amount not to exceed that necessary for salaries of members of the General Assembly consistent with this resolution;
6. The Secretary of the Senate is instructed to inform the Speaker of the House of Representatives, the Governor and the Secretary of State of the adoption of this resolution by delivering a properly certified copy of this resolution to such persons upon adoption of this resolution.

Senators Schneider and Scott offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 21

WHEREAS, the Missouri Citizens Commission on Compensation for Elected Officials was established pursuant to Section 3 of Article XIII of the Missouri Constitution, adopted at the 1994 general election; and

WHEREAS, the purpose of the Commission is "to ensure that the power to control the rate of compensation of elected officials of this state is retained and exercised by the tax paying citizens of this state" rather than by the General Assembly; and

WHEREAS, in order to fulfill this purpose, the Constitution provides that no affected public official shall receive compensation for the performance of their duties, including salaries, mileage allowances or per diem expense allowances, other than in the amount established for each office by the Commission, and that until July 1, 1997, the compensation of such affected public officials shall be that in effect on the effective date of the amendment to the Constitution denominated as Article XIII, Section 3; and

WHEREAS, the Commission consists of twenty-two Missouri citizens: twelve appointed by the Governor, nine selected at random by the Secretary of State and one appointed by the Supreme Court, and includes representatives of large and small business, health care, agriculture, organized labor, personnel management, senior citizens, and its members reside in all geographic areas of the state; and

WHEREAS, the Commission is charged by the Constitution to "review and study the relationship of compensation to the duties of "public officials subject to this section of the Constitution, and to carry out this duty, the Commission conducted eleven public meetings at six different locations throughout the state; and

WHEREAS, testimony before the Commission was offered by numerous businesspersons, college presidents, lawyers and members of the public, in addition to the public officials affected by any changes in compensation proposed by the Commission; and

WHEREAS, technical assistance was provided to the Commission by a firm with substantial experience in other states evaluating the duties of public servants and recommending appropriate compensation for such persons; and

WHEREAS, the Commission filed its report and schedule of compensation with the Secretary of State and the Revisor of Statutes prior to December 1, 1996; and

WHEREAS, Section 3 of Article XIII provides that the schedule shall become effective on July 1, 1997, unless disapproved by concurrent resolution adopted by the General Assembly prior to February 1, 1997; and

WHEREAS, Section 3 of Article XIII provides that the General Assembly retains its historic authority to fund or not fund any portion of the schedule of compensation since each recommendation within the schedule is "subject to appropriations" by the General Assembly; and

WHEREAS, the Lieutenant Governor was afforded a substantial increase in responsibility as a result of legislation enacted by the General Assembly in 1993 which provided extra duties to the Lieutenant Governor; and

WHEREAS, although at one time the position of Lieutenant Governor was considered a part-time position and the holder of such office had the option of holding outside employment, the extra duties placed in this office now mandate that the holder of this office exercise his or her duties on a full-time basis; and

WHEREAS, the plain language of Section 3 of Article XIII suggests that if the General Assembly adopts a concurrent resolution prior to February 1, 1997, disapproving the initial schedule of compensation filed by the Commission, any compensation payable for the offices under the jurisdiction of the Commission will be eliminated since the Constitution states that the only salary payable is "in the amount established for each office by the Missouri Citizens Commission on Compensation for Elected Officials"; and

WHEREAS, it is in the best interests of the state to avoid ambiguity and potential litigation in association with interpretation of the provisions of Section 3 of Article XIII of the Constitution;

NOW, THEREFORE, BE IT RESOLVED by a majority of the elected members of the Senate of the First Regular Session of the Eighty-Ninth General Assembly with respect to the portion of the report and schedule of compensation filed by the Missouri Citizens Commission on Compensation for Elected Officials relating the salaries of statewide elected officials, as follows:

1. That the Senate approve the increase in base salary recommended by the Commission for the Lieutenant Governor in the approximate amount of Five Thousand Dollars per year;
2. That the salaries provided by the Governor, Secretary of State, State Treasurer, State Auditor and the Attorney General remain in the amounts currently provided by law, as recommended by the Commission;
3. That the base salaries of all statewide elected officials be subject to the annual salary adjustment provided by Section 105.005, RSMo;
4. That the Senate is hereby committed to appropriate an amount not to exceed that necessary for salaries of members of the General Assembly consistent with this resolution;
5. The Secretary of the Senate is instructed to inform the Speaker of the House of Representatives, the Governor and the Secretary of State of the adoption of this resolution by delivering a properly certified copy of this resolution to such persons upon adoption of this resolution.

Senators Schneider and Scott offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 22

WHEREAS, the Missouri Citizens Commission on Compensation for Elected Officials was established pursuant to Section 3 of Article XIII of the Missouri Constitution, adopted at the 1994 general election; and

WHEREAS, the purpose of the Commission is "to ensure that the power to control the rate of compensation of elected officials of this state is retained and exercised by the tax paying citizens of this state" rather than by the General Assembly; and

WHEREAS, in order to fulfill this purpose, the Constitution provides that no affected public official shall receive compensation for the performance of their duties, including salaries, mileage allowances or per diem expense allowances, other than in the amount established for each office by the Commission, and that until July 1, 1997, the compensation of such affected public officials shall be that in effect on the effective date of the amendment to the Constitution denominated as Article XIII, Section 3; and

WHEREAS, the Commission consists of twenty-two Missouri citizens: twelve appointed by the Governor, nine selected at random by the Secretary of State and one appointed by the Supreme Court, and includes representatives of large and small business, health care, agriculture, organized labor, personnel management, senior citizens, and its members reside in all geographic areas of the state; and

WHEREAS, the Commission is charged by the Constitution to "review and study the relationship of compensation to the duties of "public officials subject to this section of the Constitution, and to carry out this duty, the Commission conducted eleven public meetings at six different locations throughout the state; and

WHEREAS, testimony before the Commission was offered by numerous businesspersons, college presidents, lawyers and members of the public, in addition to the public officials affected by any changes in compensation proposed by the Commission; and

WHEREAS, technical assistance was provided to the Commission by a firm with substantial experience in other states evaluating the duties of public servants and recommending appropriate compensation for such persons; and

WHEREAS, the Commission filed its report and schedule of compensation with the Secretary of State and the Revisor of Statutes prior to December 1, 1996; and

WHEREAS, Section 3 of Article XIII provides that the schedule shall become effective on July 1, 1997, unless disapproved by concurrent resolution adopted by the General Assembly prior to February 1, 1997; and

WHEREAS, Section 3 of Article XIII provides that the General Assembly retains its historic authority to fund or not fund any portion of the schedule of compensation since each recommendation within the schedule is "subject to appropriations" by the General Assembly; and

WHEREAS, it is the sense of the Missouri Senate that some of the recommendations within the schedule should not be fully implemented at this time and should be deferred; and

WHEREAS, certain positions of leadership within the General Assembly involve the exercise of duties additional to those provided by law for other members of the General Assembly, including presiding over the respective houses of the General Assembly, administration of each respective house, representation of the viewpoint of groups of legislators in determining policy of each house, coordination of the proceedings of each house, and presiding and coordinating the consideration of the proposed state budget in the General Assembly; and

WHEREAS, fulfillment of these additional duties translate into additional time spent in fulfilling these members' legislative duties; and

WHEREAS, the per diem allowance of thirty-five dollars per day has not been changed for twenty years and is inadequate to provide for expenses of members of the General Assembly for lodging and meals while in session;

WHEREAS, the plain language of Section 3 of Article XIII suggests that if the General Assembly adopts a concurrent resolution prior to February 1, 1997, disapproving the initial schedule of compensation filed by the Commission, any compensation payable for the offices under the jurisdiction of the Commission will be eliminated since the Constitution states that the only salary payable is "in the amount established for each office by the Missouri Citizens Commission on Compensation for Elected Officials"; and

WHEREAS, it is in the best interests of the state to avoid ambiguity and potential litigation in association with interpretation of the provisions of Section 3 of Article XIII of the Constitution;

NOW, THEREFORE, BE IT RESOLVED by a majority of the elected members of the Senate of the First Regular Session of the Eighty-Ninth General Assembly with respect to the portion of the report and schedule of compensation filed by the Missouri Citizens Commission on Compensation for Elected Officials relating to the increase in legislative per diem reimbursement for expenses and the differential in salary for certain positions of leadership within the General Assembly, including the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Majority and Minority Floor Leaders of the Senate and House of Representatives, and the chairpersons of the Senate Appropriations Committee and the House Budget Committee, as follows:

1. That, until further evidence can be developed to support the Commission's recommendation of a per diem in the amount indexed on the federal standard promulgated by the Internal Revenue Service of the Department of Treasury, a per diem allowance of seventy dollars per day for each day that the General Assembly is in session should be authorized;
2. That the differential in pay for the positions in leadership with the General Assembly in the amount of Three Thousand Five Hundred Dollars for the President Pro Tempore of the Senate and the Speaker of the House of Representatives, and Two Thousand Five Hundred Dollars for the other leadership positions, be approved;
3. That the Senate is hereby committed to appropriate an amount not to exceed that necessary for salaries of members of the General Assembly consistent with this resolution;
4. The Secretary of the Senate is instructed to inform the Speaker of the House of Representatives, the Governor and the Secretary of State of the adoption of this resolution by delivering a properly certified copy of this resolution to such persons upon adoption of this resolution.

Senator House offered Senate Resolution No. 23, regarding The Gault Foundation, which was adopted.

Senator Wiggins assumed the Chair.

CONCURRENT RESOLUTIONS

Senators Schneider and Scott offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 14

WHEREAS, on November 8, 1994, the voters of Missouri adopted an amendment to the Missouri Constitution, codified therein as Section 3 of Article XIII; and

WHEREAS, Section 3 of Article XIII provides that the compensation of statewide elected officials, members of the general assembly and certain members of the judiciary is to be set by the Missouri citizens commission on compensation for elected officials after a review and study of the relationship of the compensation of such officials to the duties of such officials (Art. XIII, Sec. 3); and

WHEREAS, the purpose of the commission is to ensure that the power to control the rate of compensation of elected officials of this state is retained and exercised by the tax paying citizens of this state rather than by the general assembly (Art. XIII, Sec. 3); and

WHEREAS, in order to fulfill this purpose, the Constitution provides that affected public officials shall not receive compensation for the performance of their duties, including salaries, mileage allowances or per diem expense allowances, "other than in the amount established for each office by the commission, and that the schedule shall be subject to appropriation" affected public officials shall be that in effect on the effective date of the amendment to the Constitution denominated as Article XIII, Section 3; and

WHEREAS, the commission filed its report and schedule of compensation with the secretary of state and the revisor of statutes prior to December 1, 1996, as required by the Constitution; and

WHEREAS, Section 3 of Article XIII provides that the schedule shall become effective on July 1, 1997, unless disapproved by concurrent resolution adopted by the general assembly prior to February 1, 1997; and

WHEREAS, Section 3 of Article XIII provides that implementation of the schedule of compensation, even after its adoption, is "subject to appropriation by the general assembly" (Art. XIII, Sec. 3); and

WHEREAS, Section 3 of Article XIII leaves full or partial funding of the commission to the discretion of the general assembly; and

NOW, THEREFORE, BE IT RESOLVED by the senate of the first regular session of the eighty-ninth general assembly, the house of representatives concurring therein, that the secretary of the senate and chief clerk of the house of representatives, upon adoption of each of the following sections by a majority of members of the senate and a majority of the members of the House of Representatives, respectively, shall communicate such adoption to the Governor and the Secretary of State:

1. That, a per diem allowance of seventy dollars per day for each day that the general assembly is in session shall be authorized subject to appropriation;

2. That the differential in pay for the positions in leadership within the general assembly in the amount of three thousand five hundred dollars for the president pro tempore of the senate and the speaker of the house of representatives, and two thousand five hundred dollars for the majority and minority floor leaders of the senate and house of representatives, and the chairpersons of the senate appropriations committee and the house budget committee, be approved subject to appropriation;

3. That with respect to the salaries of statewide elected officials:

(a) The increase in base salary recommended by the commission for the lieutenant governor in the approximate amount of five thousand dollars per year shall be approved subject to appropriation;

(b) The salaries provided the governor, secretary of state, state treasurer, state auditor and the attorney general remain in the amounts currently provided by law, as recommended by the commission;

(c) The base salaries of all statewide elected officials be subject to the annual salary adjustment provided by section 105.005, RSMo, as recommended by the commission;

4. That with respect to judicial compensation:

(a) The increases for judges of the supreme court, court of appeals and circuit courts be implemented at a rate of twenty-five percent per year

over a four-year period further adjusted by cost of living increases in the manner provided by section 476.405, RSMo. Such annual increases in the base salary prior to such cost of living increases, as follows: For judges of the supreme court and the court of appeals, 3.4 percent per year for each of fiscal years 1998, 1999, 2000 and 2001; for judges of the circuit courts, 3.7 percent for each of fiscal years 1998, 1999, 2000 and 2001 subject to appropriation;

(b) That increases in salary for judges of the associate circuit divisions of the circuit court be implemented at the rate not to exceed twenty-five percent for fiscal year 1998 only so that such annual increases in the base salary prior to such cost of living increases would be 5.7 percent for fiscal year 1998; and that further consideration of the unfunded portion of the commission's recommendations for salaries of associate circuit judges be deferred until the second regular session of the eighty-ninth general assembly, after the general assembly has considered the issue of whether or not the Constitution should be amended to eliminate the requirement that an associate circuit judge be required in every county and after the general assembly has considered the issue of deployment of judicial resources and legislation needed to ensure efficient use of associate circuit judges on a statewide basis subject to appropriation;

(c) The amount of per diem reimbursement for expenses incurred during meetings of the Missouri judicial conference be calculated in the same manner as the amount of per diem is calculated for legislators subject to appropriation;

(d) The chief justice of the supreme court shall continue to receive the additional two thousand five hundred dollars currently provided by law to such position;

5. That the increases for members of the general assembly be implemented at a rate of twenty-five percent per year over a four-year period further adjusted by cost of living increases in the manner provided by section 105.005, RSMo, so that the base salary of members of the general assembly would be increased by the amount of seven percent per year for each of fiscal years 1998, 1999, 2000 and 2001 subject to appropriation;

BE IT FURTHER RESOLVED that, subject to the authority of the general assembly to fund or withhold all or portions of the funding for such recommendations, the general assembly conditionally accepts and adopts the schedule of compensation filed by the Missouri citizens commission on compensation for elected officials with the secretary of state and the revisor of statutes, to become effective on July 1, 1997, under the conditions provided herein. If the general assembly approves appropriations in excess of the appropriation necessary to implement this resolution, and the governor does not veto such appropriation, the commissioner of administration shall authorize the payment of compensation at the level which would have otherwise been paid effective on July 1 of that year.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 214--By Caskey.

An Act to amend chapter 376, RSMo, relating to direct patient access to primary care providers.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

January 14, 1997

The Honorable William P. McKenna

President Pro Tem

State Capitol, Room 326

Jefferson City, MO 65101

Dear Senator McKenna:

Please let this letter serve as my resignation from the Joint Committee on Legislative Research, the Joint Committee on Legislative Research Personnel Subcommittee, and the Joint Committee on Health Care Policy and Planning.

Thank you for your consideration.

Sincerely,

/s/ Marvin Singleton

Marvin A. Singleton, M.D.

Senator, 32nd District

INTRODUCTIONS OF GUESTS

Senator Goode introduced to the Senate, Leslie Hogshead, Maureen Pfeifer, Sue Friedman and students from McCluer High School, Florissant; and James Knowles, Octavia Pfeifer, Ellen McAllister, Justin Pfeifer and Melissa Gebhardt were made honorary pages.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FIFTH DAY--WEDNESDAY, JANUARY 15, 1997

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Dear Lord, we are thankful for and concerned about every citizen of our state, the rich and the poor, those who support us and those who do not, the weak and the strong, the black and the white, those with strong religious convictions and those who have none. Help us to work to make every citizen's way of life better. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senators Caskey, Wiggins, DePasco, Curls and Quick offered Senate Resolution No. 24, regarding the Honorable

Jack E. Gant, Circuit Judge of Jackson County, which was adopted.

Senator Johnson offered Senate Resolution No. 25, regarding Mr. Harold W. Cole, St. Joseph, which was adopted.

Senator Ehlmann offered Senate Resolution No. 26, regarding Mr. William H. (Bill) Weber, St. Charles, which was adopted.

Senator Staples offered Senate Resolution No. 27, regarding Mr. Mark Allen, Farmington, which was adopted.

Senator Staples offered Senate Resolution No. 28, regarding Mr. B. Ted Boyer, Bonne Terre, which was adopted.

CONCURRENT RESOLUTIONS

Senators Schneider and Scott offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 15

WHEREAS, on November 8, 1994, the voters of Missouri adopted an amendment to the Missouri Constitution, codified therein as Section 3 of Article XIII; and

WHEREAS, Section 3 of Article XIII provides that the compensation of statewide elected officials, members of the general assembly and certain members of the judiciary is to be set by the Missouri citizens commission on compensation for elected officials after a review and study [of] the relationship of the compensation of such officials to the duties of such officials (Art. XIII, Section 3, Subsection 8).

WHEREAS, the purpose of the commission is to ensure that the power to control the rate of compensation of elected officials of this state is retained and exercised by the tax paying citizens of this state rather than by the general assembly (Art. XIII, Section 3, Subsection 1) and

WHEREAS, in order to fulfill this purpose, the Constitution provides that affected public officials shall not receive compensation for the performance of their duties, including salaries, mileage allowances or per diem expense allowances, other than in the amount established for each office by the commission ; and that The schedule shall, subject to appropriations, apply and represent the compensation for each affected person beginning the first day of July following the filing of the schedule ... (Art. XIII, Section 3, Subsection 8)

WHEREAS, Section 3 of Article XIII provides that the schedule shall be come effective on July 1, 1997, unless disapproved by concurrent resolution adopted by the general assembly prior to February 1, 1997; and

WHEREAS, Section 3 of Article XIII provides that implementation of the schedule of compensation, even after its adoption, is subject to appropriation by the general assembly (Art. XIII, Section 3, Subsection 8); and

WHEREAS, Section 3 of Article XIII leaves full or partial funding of the recommendations of the commission to the discretion of the general assembly; and

NOW, THEREFORE, BE IT RESOLVED by the senate of the first regular session of the eighty-ninth general assembly, the house of representatives concurring therein, that the secretary of the senate and chief clerk of the house of representatives, upon adoption of each of the following sections by a majority of members of the senate and a majority of the members of the House of Representatives, respectively, shall communicate such adoption to the Governor and the Secretary of State:

1. That a per diem allowance of seventy dollars per day for each day that the general assembly is in session shall be authorized effective July 1, 1997, and that the amount appropriated for such purpose shall not exceed such authorized amount;

2. That the differential in pay for the positions in leadership within the general assembly in the amount of three thousand five hundred dollars for the president pro tempore of the senate and the speaker of the house of representatives, and two thousand five hundred dollars for the majority and minority floor leaders of the senate and house of representatives and the chairpersons of the senate appropriations committee and the house budget committee; be approved,

3. That with respect to the salaries of statewide elected officials:

(a) The increase in base salary recommended by the commission for the lieutenant governor in the approximate amount of five thousand dollars per year shall be approved;

(b) The salaries provided the governor, secretary of state, state treasurer, state auditor and the attorney general remain in the amount currently provided, as recommended by the commission;

(c) The base salaries of all statewide elected officials be subject to the annual salary adjustment provided by section 105.005, RSMo, as recommended by the commission;

4. That with respect to judicial compensation:

(a) The increases provided by the schedule for judges of the supreme court, court of appeals and circuit courts be implemented at a rate not to exceed twenty-five percent per year over a four-year period of the increase provided by the commission, except as may be further adjusted by cost of living increases provided by section 476.405, RSMo. Such annual increases in the base salary prior to such cost of living increases, would be as follows: For judges of the supreme court and the court of appeals, 3.4 percent per year for each of fiscal years 1998, 1999, 2000 and 2001; for judges of the circuit courts, 3.7 percent for each of fiscal years 1998, 1999, 2000 and 2001, and that the amount appropriated for such judicial positions shall not exceed such authorized amount;

(b) That increases provided by the schedule for judges of the associate circuit divisions of the circuit court be implemented at the rate not to exceed twenty-five percent of the increase provided by the commission for fiscal year 1998 only. Such increase in the base salary would be 5.7 percent for fiscal year 1998 and that amount appropriated for such purposes shall not exceed such authorized amount. Further consideration of the unfunded portion of the **commission's recommendations for salaries of associate circuit judges be deferred until the second regular session of the eighty-ninth general assembly**, after the general assembly has considered the issue of whether or not the Constitution should be amended to eliminate the requirement that an associate circuit judge be required in every county and after the general assembly has considered the issue of deployment of judicial resources and legislation needed to ensure efficient use of associate circuit judges on a statewide basis;

(c) The amount of per diem reimbursement for expenses incurred during meetings of the Missouri judicial conference be calculated in the same manner as the amount of per diem is calculated for legislators and the amount appropriated for such purpose shall not exceed that authorized amount;

(d) The chief justice of the supreme court shall continue to receive the additional two thousand five hundred dollars currently provided by law to such position;

5. That the increase provided by the schedule for members of the general assembly be implemented at a rate of twenty-five percent per year over a four-year period, except as may be adjusted by cost of living increases in the manner provided by section 105.005, RSMo, so that the base salary of members of the general assembly may be increased by an amount not to exceed seven percent per year for each of fiscal years 1998, 1999, 2000 and 2001, and that the amount appropriated for such purposes shall not exceed such authorized amount.

BE IT FURTHER RESOLVED that, subject to the authority of the general assembly to fund or withhold all or portions of the funding for such recommendations, the general assembly conditionally accepts and adopts the schedule of compensation filed by the Missouri citizens commission on compensation for elected officials with the secretary of state and the revisor of statutes, to become effective on July 1, 1997, the condition of such acceptance and approval being that the general assembly shall not approve appropriations to implement the recommendations of the commission in excess of those appropriations consistent with this resolution. In the event that the general assembly shall approve appropriations in excess of the appropriation necessary to implement this resolution, then the schedule of compensation shall be deemed disapproved as of the date of the adoption of this resolution.

Senator Wiggins assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 215--By Quick.

An Act to repeal section 595.050, RSMo 1994, relating to the services to victims fund, and to enact in lieu thereof one new section relating to the same subject.

SB 216--By Mathewson.

An Act to repeal section 262.260, RSMo 1994, relating to state fair admission fees and to enact in lieu thereof one new section relating to the same subject.

SB 217--By Staples.

An Act to repeal sections 226.510, 226.520, 226.525 and 226.540, RSMo 1994, and section 226.550, RSMo Supp. 1996, relating to the regulation of outdoor advertising, and to enact in lieu thereof eight new sections relating to the same subject.

SB 218--By Howard.

An Act to amend section 221.405, RSMo 1994, relating to regional jail districts, and to enact in lieu thereof one new section relating to the same subject.

SB 219--By House.

An Act to repeal section 67.547, RSMo 1994, relating to a petition process for county sales tax, and to enact in lieu thereof one new section relating to the same subject.

SB 220--By House.

An Act to repeal section 294.040, RSMo 1994, and section 294.011, RSMo Supp. 1996, relating to child labor, and to enact in lieu thereof two new sections relating to the same subject.

SB 221--By House.

An Act to repeal section 571.030, RSMo Supp. 1996, relating to weapons offenses, and to enact in lieu thereof one new section relating to the same subject with penalty provisions.

SB 222--By Scott.

An Act to repeal sections 104.374, 104.415 and 104.612, RSMo 1994, and sections 104.395, 287.820 and 476.601, RSMo Supp. 1996, relating to retirement of state officers and employees, and to enact in lieu thereof six new sections relating to the same subject.

SB 223--By Maxwell, Wiggins, Sims, Westfall and Howard.

An Act to repeal sections 354.400, 354.405, 354.410, 354.430, 354.470, 354.490, 354.505, 354.515, 354.535, 374.500, 374.507 and 374.510, RSMo 1994, and sections 376.381 and 376.811, RSMo Supp. 1996, relating to managed care organizations, and to enact in lieu thereof forty-eight new sections relating to the same subject, with penalty provisions.

SB 224--By Maxwell.

An Act to amend chapter 431, RSMo, and chapter 610, RSMo, by adding thereto two new sections relating to disclosing health care information.

SB 225--By Bentley and Sims.

An Act to repeal sections 192.016, 193.125, 210.491, 211.444, 211.447, 453.010, 453.014, 453.015, 453.025, 453.030, 453.040, 453.065, 453.070, 453.073, 453.075, 453.080, 453.110, 453.170, and 568.175, RSMo 1994, and section 453.060, RSMo Supp. 1996, relating to adoption, and to enact in lieu thereof twenty-three new sections relating to the same subject, with penalty provisions.

SB 226--By Jacob.

An Act relating to land acquisition with state funds.

SB 227--By Jacob.

An Act to repeal sections 338.043, 338.057, 338.059, 338.060, 338.065, 338.070, 338.100, 338.120, 338.130, 338.140, 338.196, 338.220 and 338.365, RSMo 1994, and section 338.056, RSMo Supp. 1996, relating to the state board of pharmacy, and to enact in lieu thereof fifteen new sections relating to the same subject.

MISCELLANEOUS

President Pro Tem McKenna submitted the following:

HEARING SCHEDULE

89TH GENERAL ASSEMBLY

1ST REGULAR SESSION

January 16, 1997

	Monday	Tuesday	Wednesday	Thursday
8:30 a.m.		Commerce and Environment - SL (Goode)	Civil and Criminal Jurisprudence - SCR 2 (Caskey)	Rules, Jt. Rules & Res. - SL (Quick)
9:00 a.m.		Aging, Families & Mental Health - SCR 1 (Howard)	Gubernatorial Appointments - SL (McKenna)	
11:00 a.m.		Labor & Industrial Relations - SCR 1 (Clay)	Elections, Pensions & Veterans' Affairs - SCR 1 (DePasco)	
1:30 p.m.		Transportation - SL (Staples)	Agriculture, Conservation, Parks and Tourism - SCR 2 (Johnson)	
2:00 p.m.		Local Government & Economic Development - SCR 2 (Mathewson)	Judiciary - SL (Schneider)	
2:30 p.m.			Insurance & Housing - SCR 1 (Curls)	
3:00 p.m.	Financial & Governmental Organization - SL (Maxwell)	Corrections and General Laws - SL (Scott)		
3:30 p.m.			Education - SL (House)	
8:00 p.m.	Public Health and Welfare - SL (Banks)	Ways and Means - SL (Wiggins)		

SL - Senate Lounge

SCR 1 - Senate Committee Room 1, Room 118

SCR 2 - Senate Committee Room 2, Room 119

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 76--Aging, Families and Mental Health.

SB 77--Corrections and General Laws.

SB 78--Judiciary.

SB 79--Agriculture, Conservation, Parks and Tourism.

SB 80--Financial and Governmental Organization.

SB 81--Ways and Means.

SB 82--Civil and Criminal Jurisprudence.

SB 83--Aging, Families and Mental Health.

SB 84--Judiciary.

SB 85--Agriculture, Conservation, Parks and Tourism.

SB 86--Civil and Criminal Jurisprudence.

SB 87--Insurance and Housing.

SB 88--Insurance and Housing.

SB 89--Corrections and General Laws.

SB 90--Civil and Criminal Jurisprudence.

SB 91--Transportation.

SB 92--Commerce and Environment.

SB 93--Judiciary.

SB 94--Insurance and Housing.

SB 95--Insurance and Housing.

SB 96--Financial and Governmental Organization.

SB 97--Aging, Families and Mental Health.

SB 98--Transportation.

SB 99--Financial and Governmental Organization.

SB 100--Labor and Industrial Relations.

SB 101--Ways and Means.

SB 102--Public Health and Welfare.

SB 103--Insurance and Housing.

SB 104--Local Government and Economic Development.

SB 105--Agriculture, Conservation, Parks and Tourism.

SB 106--Civil and Criminal Jurisprudence.

SB 107--Civil and Criminal Jurisprudence.

SB 108--Transportation.

SB 109--Aging, Families and Mental Health.

SB 110--Ways and Means.

SB 111--Civil and Criminal Jurisprudence.

SB 112--Local Government and Economic Development.

SB 113--Insurance and Housing.

SB 114--Financial and Governmental Organization.

SB 115--Financial and Governmental Organization.

SB 116--Insurance and Housing.

SB 117--Insurance and Housing.

SB 118--Insurance and Housing.

SB 119--Local Government and Economic Development.

SB 120--Commerce and Environment.

SB 121--Civil and Criminal Jurisprudence.

SB 122--Local Government and Economic Development.

SB 123--Commerce and Environment.

SB 124--Ways and Means.

SB 125--Commerce and Environment.

SB 126--Education.

SB 127--Commerce and Environment.

SB 128--Corrections and General Laws.

SB 129--Corrections and General Laws.

SB 130--Civil and Criminal Jurisprudence.

SB 131--Financial and Governmental Organization.

SB 132--Elections, Pensions and Veterans' Affairs.

SB 133--Civil and Criminal Jurisprudence.

SB 134--Agriculture, Conservation, Parks and Tourism.

SB 135--Agriculture, Conservation, Parks and Tourism.

SB 136--Aging, Families and Mental Health.

SB 137--Aging, Families and Mental Health.

SB 138--Local Government and Economic Development.

SB 139--Transportation.

SB 140--Transportation.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 228--By Johnson.

An Act to repeal section 67.400, RSMo Supp. 1996, relating to certain political subdivisions and to enact in lieu thereof three new sections relating to the same subject.

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, Kenneth "Peck" Brown, Eminence.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

SIXTH DAY--THURSDAY, JANUARY 16, 1997

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we pray today for those who are unwanted and neglected, for those who feel helpless and lonely. Use us to reach out to them in love. Jesus said it was more blessed to give than to receive. Help us to be the providers and the givers. Show us how to reach out to those who need us. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Clay--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 29, regarding Dr. W. Gene Engelhardt, Affton, which was adopted.

Senator Yeckel offered Senate Resolution No. 30, regarding Crestwood Plaza, St. Louis County, which was adopted.

Senator Yeckel offered Senate Resolution No. 31, regarding Dr. James Allen Sandfort, which was adopted.

Senator Howard offered Senate Resolution No. 32, regarding Jay Githens, Poplar Bluff, which was adopted.

Senators Westfall and Graves offered Senate Resolution No. 33, regarding Lyle Noblitt, which was adopted.

Senator McKenna offered Senate Resolution No. 34, regarding Mr. James D. Gadell, Jefferson County, which was adopted.

Senator Quick offered the following resolution:

SENATE RESOLUTION NO. 35

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year; and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect; and

WHEREAS, the rates of pay established shall become effective in January.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director, two deputy department directors, and six division level directors to be compensated according to Office of Administration guidelines for compensation of division directors; and the following authorized employees at rates of pay within the ranges hereby established:

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
5	Staff Attorney II	2,495 - 3,637
1	Research Analyst I	2,212 - 3,201
1	Research Analyst II	2,495 - 3,637
2	Research Analyst III	3,201 - 4,728
1	Investigator	2,397 - 3,481
7	Research Staff Secretary	1,825 - 2,599
5	Budget Research Analyst II	2,495 - 3,637
4	Assistant Secretary of Senate	1,200 - 3,066
5.5	Enrolling & Engrossing Clerk	1,756 - 2,495
0.5	Billroom Supervisor	1,756 - 2,495
2	Billroom Clerk	850 - 1,622
3	Public Information Specialist I	1,756 - 2,495
1	Public Information Specialist II	1,892 - 2,710
1	Public Information Specialist IV	2,301 - 3,336
3	Administrative Assistant	1,200 - 4,913
1	Executive Assistant	1,530 - 4,805
1	Telecommunications Coordinator	1,500 - 3,201
3	Accountant	1,265 - 2,495
7	Administrative Secretary	1,310 - 3,186
8	Clerical Assistant	1,200 - 2,593
1	Messenger	950 - 1,853
1	Data Control Coordinator	1,968 - 2,820

3	Programmer III	2,397 - 3,481
1	Systems Programmer II	2,599 - 3,796
3	Computer Operator III	1,968 - 2,820
5	Data Entry Operator III	1,425 - 1,960
1	Graphics Supervisor	1,825 - 2,599
1	Composing Equipment Operator I	1,100 - 1,960
3	Composing Equipment Operator III	1,694 - 2,397
1	Mailroom Supervisor	1,825 - 2,599
2	Duplicating Equipment Operator I	1,328 - 1,783
2	Duplicating Equipment Operator II	1,477 - 2,036
1	Duplicating Equipment Operator III	1,633 - 2,301
2	Duplicating Equipment Operator IV	1,825 - 2,599
1	Photographer	1,200 - 2,940
0.25	Physical Plant Supervisor	1,830 - 3,579
1	Maintenance Supervisor II	1,825 - 2,599
1	Carpenter II	1,694 - 2,397
6.5	Custodian II	950 - 1,622
2	Custodian III	1,000 - 1,783
1	Sergeant-at-Arms (elected)	1,200 - 3,066
0.5	Doorkeeper (elected)	900 - 1,969
3	Assistant Doorkeeper	600 - 1,400
0.5	Reading Clerk	750 - 1,535
0.5	Chaplain (elected)	475 - 848

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator for the employment of Administrative and Clerical Assistants. Each Senator will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the House Administrator in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 1998.

CONCURRENT RESOLUTIONS

Senator Bentley offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 16

WHEREAS, In November, 1994, Missouri voters approved section 3 of Article XIII of the Missouri Constitution as a constitutional amendment; and

WHEREAS, Article XIII, Section 3 of the Missouri Constitution established the Missouri Citizen's Commission on Compensation for Elected

Officials, charged with setting the amount of compensation paid to statewide elected officials, members of the General Assembly and judges. The Commission is ordered to file its recommendations for salaries for these public officials with the Secretary of State and the Revisor of Statutes by December 1, 1996, and every two years thereafter; and

WHEREAS, on November 30, 1996, the Commission issued its 1996 Report and Compensation Schedule, which contains its salary recommendations; and

WHEREAS, the Commission's recommendations range from 6% to 145%, even though the average annual inflation has been near three percent for several years; and

WHEREAS, the Commission's recommendations increasing legislative salaries will result in more than a 30% increase in two years, placing Missouri legislators among the highest paid legislators of the sixteen states with sessions of comparable length; and

WHEREAS, the salary increases allocated to Missouri's judges are so generous that Missouri judges will be among the highest paid judges in the nation under the Commission's recommendations; and

WHEREAS, prior to the voters' approval of this amendment, it was the General Assembly's duty to set salaries; and

WHEREAS, the General Assembly had exercised its duties of setting salaries reasonably and responsibly; and

WHEREAS, Missouri voters approved of the creation of a Commission to make salary recommendations with the expectation that such recommendations would be equitable and reasonable; and

WHEREAS, in an era of cutting excess government spending, the Commission's recommendations are excessively high and unreasonable; and

WHEREAS, subsection 8 of section 3 of Article XIII of the Missouri Constitution grants power to the General Assembly to disapprove the salary recommendations of the Commission by concurrent resolution; provided however, that if no action is taken by February 1, 1997, the salary recommendations shall take effect; and

WHEREAS, the General Assembly has the duty to reject such an unreasonable proposal. Failure of the General Assembly to disapprove the salary recommendations would be unethical;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the First Regular Session of the Eighty-ninth General Assembly, the House concurring therein, that the recommendations of the Missouri Citizen's Commission on Compensation for Elected Officials be disapproved, pursuant to subsection 8 of section 3 of Article XIII of the Missouri Constitution; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Secretary of State.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 229--By Russell and Lybyer.

An Act to repeal sections 167.031 and 167.051, RSMo 1994, and sections 167.161 and 167.171, RSMo Supp. 1996, relating to school attendance, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 230--By Russell.

An Act to repeal sections 104.010, 104.340, 104.350, 104.371, 104.372, 104.374, 104.401, 104.420, 104.470, 104.490, 104.519, 104.602, 104.612, 104.620, 105.691, 287.812, 287.835, 287.845, 476.480, 476.520, 476.530, 476.555, 476.580 and 476.595, RSMo 1994, and sections 104.312, 104.335, 104.395, 104.410, 104.517, 104.530, 104.800, 476.515 and 476.690, RSMo Supp. 1996, relating to certain state retirement systems, and to enact in lieu thereof thirty-three new sections relating to the same subject.

SB 231--By Johnson.

An Act to create chapter 324, RSMo, by enacting ten new sections relating to the regulation of the practice of medical nutrition therapy, with penalty provisions.

SB 232--By Sims.

An Act to repeal section 429.015, RSMo 1994, relating to certain design professionals, and to enact in lieu thereof two new sections relating to the same subject.

SB 233--By Sims.

An Act to repeal section 171.031, RSMo 1994, relating to school term starting dates, and to enact in lieu thereof one new section relating to the same subject.

SB 234--By Howard and Singleton.

An Act to repeal sections 334.031, 334.100 and 334.715, RSMo 1994, and sections 334.040, 334.046 and 334.735, RSMo Supp. 1996, relating to the licensing, registration and disciplinary procedures of physicians and surgeons, athletic trainers and physician attendants and to enact in lieu thereof six new sections relating to the same subject.

SB 235--By Westfall.

An Act to repeal section 575.010, RSMo 1994, relating to offenses against the administration of justice, and to enact three new sections relating to the same subject, with penalty provisions.

SB 236--By Westfall.

An Act to amend chapter 566, RSMo, relating to sexual offenses, by adding thereto one new section relating to the same subject, with penalty provisions.

SB 237--By Westfall and Lybyer.

An Act to repeal sections 196.931, 196.933, 196.935, 196.937, 196.941, 196.943, 196.945, 196.947, 196.949, 196.951, 196.953, 196.955, 196.957 and 196.959, RSMo 1994, and section 196.939, RSMo Supp. 1996, relating to the state milk board, and to enact in lieu thereof fourteen new sections relating to the same subject.

SB 238--By Westfall.

An Act to repeal section 302.321, RSMo Supp. 1996, relating to driving a motor vehicle without a license, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 239--By Maxwell.

An Act to repeal sections 105.470, 105.959 and 105.961, RSMo 1994, and sections 105.955 and 130.046, RSMo Supp. 1996, relating to certain public officials, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Ronald G. Brashears, as a member of the Missouri Training and Employment Council;

Also,

Yolanda M. Watkins, as a Student Representative to the Linn State Technical College Board of Regents;

Also,

Deirdre K. Hirner, as a member of the Missouri State Public Employees' Deferred Compensation Commission;

Also,

Gerald L. Kampeter, as a member of the Missouri Head Injury Advisory Council;

Also,

Willard C. Reine, as a member of the Administrative Hearing Commission;

Also,

John D. Wild, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees;

Also,

Charles P. Swisher, CHE, Richard C. Dunn, Thomas Eugene Whelan and Linda D. Ward, as members of the Children's Trust Fund Board;

Also,

Peter M. Schloss and Susan S. Lamb, as members of the Child Abuse and Neglect Review Board;

Also,

John M. Boyer, Mary C. Hagerty and Roddy J. Rogers, as members of the Missouri Dam and Reservoir Safety Council;

Also,

Laura E. Roy and Carolyn Davis Newport, as members of the Missouri Family Trust Fund Board of Trustees;

Also,

Jayne Voss and Reid L. Bronson as members of the St. Charles County Convention and Sports Facilities Authority;

Also,

Carolyn Davis Newport, as a member of the Missouri Family Trust Fund Board of Trustees;

Also,

Ted A. Smith, as a member of the Land Reclamation Commission;

Also,

Robert G. Wade and Gerard J. Harms, Sr., as members of the Missouri State Board for Architects, Professional Engineers and Land Surveyors;

Also,

Dixie H. Kohn and Stephen Maxey, as members of the Missouri Community Service Commission;

Also,

Benita Y. Williams and Barbara J. Ormsbee, as members of the Missouri Women's Council.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Quick moved that the Senate recess to repair to the House of Representatives to receive a message from the Chief Justice of the Supreme Court, the Honorable John C. Holstein, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Wilson.

On roll call the following Senators were present:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Curls	Singleton--2
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Absent with leave--Senators--Clay--1

On roll call the following Representatives were present:

Present--Representatives

Akin	Alter	Auer	Backer
Ballard	Barnett (4)	Barry (100)	Bartelsmeyer
Bauer	Bennett (15)	Berkstresser	Bland
Bonner	Bray	Broach	Campbell

Carter	Chrismer	Cierpiot	Clayton
Copeland	Crawford	Crump	Daniels (41)
Davis (63)	Davis (122)	Dolan	Donovan
Dougherty	Elliott	Enz	Farmer
Farnen	Fitzwater	Foley	Ford
Foster	Franklin	Fritts	Froelker
Gaskill	Gaston	Gibbons	Goward
Graham (24)	Graham (106)	Gratz	Green
Griesheimer	Gross	Gunn	Hagan-Harrell
Hall	Hartzler (123)	Hartzler (124)	Heckemeyer
Hegeman	Hendrickson	Hickey	Hohulin
Holand	Hollingsworth	Hoppe	Hosmer
Howerton	Johnson	Kasten	Kelley (47)
Kennedy	Kissel	Lakin	Lawson
Leake	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon
Luetkenhaus	Lumpe	Marble	May (108)
Mays (50)	McLuckie	Miller	Monaco
Murray	Naeger	Nordwald	O'Connor
O'Toole	Overschmidt	Parker	Patek
Pouche	Pryor	Ransdall	Reinhart
Relford	Reynolds	Richardson	Ridgeway
Rizzo	Robirds	Ross	Sallee
Scheve	Schilling	Schwab	Scott
Seigfreid	Shear	Sheldon (104)	Shelton (57)
Shields	Skaggs	Smith	Steen
Stokan	Stoll	Stroker	Summers
Tate	Thomason (163)	Thompson (37)	Townley
Treadway	Troupe	VanZandt	Vogel
Wannenmacher	Wiggins	Williams (121)	Williams (159)
Wilson	Mr. Speaker--138		

Absent and Absent with Leave--Representatives

Boatright	Boucher	Burton	Champion
Cooper	Daniel (42)	Days	Edwards-Pavia
Evans	Hand	Harlan	Kauffman
Kelly (27)	Koller	Kreider	McBride
McClelland	Murphy	Ostmann	Purgason
Secrest	Surface	Wooten--23	
Vacancies--2			

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, John C. Holstein, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

State of the Judiciary Address to a Joint Session of

the Missouri General Assembly

Hon. John C. Holstein, Chief Justice

Supreme Court of Missouri

January 16, 1997

Mr. President, Mr. Speaker, Members of the General Assembly, Ladies and Gentlemen:

The millennium is upon us. The last time we entered a new millennium, there were ominous predictions of wars of Armageddon, pestilence, and death. And with good reason. If you were to look at the world a thousand years ago, it was not a very happy place to live. Most children didn't live to reach school age. And, of course, there were no schools as we know them. Such reading and writing as existed was done in monasteries in a language that was used by no one in daily conversation. Such laws as existed were written in Latin and were edicts of a king rather than the deliberate acts of a popularly elected legislative body. One significant difference between the law then and the law now is the ability to communicate the law to every citizen. No one could have predicted in the year 997 the means of communication that would be invented. It began with the printing press and extended through the microchip. But all this information is here, and we in government must learn to harness it and use it.

A thousand years ago, the people believed that trial by fire or trial by water were valid methods of determining the truth. It would be a couple of centuries before the guarantee of a right to a jury trial would find its way into our common law system. It would not be until this country was founded that the right to a jury trial would be permanently placed in state and federal constitutions. The jury trial has served us well. It is a marriage of the best of our legal system and of democracy. It was born in England, but it grew to maturity here. Modern constitutions have given the promise of other rights that we all hold dear when we find ourselves in court; the right to counsel, a fair and speedy hearing before an impartial judge, and equality for every citizen in the courts. While our court system is populated by humans and is capable of making mistakes, it also has the wonderful ability to correct mistakes. I hope the members of this body would approach any change in our state court system with a healthy degree of skepticism. But there are areas of our law where change is essential.

As I noted last year, for more than twenty years, the chief justice of the Missouri Supreme Court has been invited to speak to the General Assembly. We are grateful for that opportunity. One of my predecessors, when he was chief justice, Robert Donnelly, spent most of his time speaking of the tension that had developed between the state and federal courts regarding federal intervention in state cases. He pointed out that individual federal trial judges were, in effect, overruling decisions of the Missouri Supreme Court, particularly in criminal cases. He suggested that there may be little reason for state courts to review post-conviction claims in capital cases. Chief Justice Donnelly's frustration was not ignored. But it took more than 15 years for his message to sink in.

In recent habeas corpus reform by Congress, strict limitations were placed on the power of federal courts to review state convictions. However, to obtain the benefit of those limitations on federal habeas corpus review, the state had to reaffirm its obligation to ensure adequate representation of defendants in capital cases.

The Missouri Supreme Court, in an effort to ensure that such federal review and its accompanying delay is minimized, adopted a rule effective on July 1, 1997. It requires that public defenders designated to represent indigent defendants in post-conviction capital cases must meet minimum experience requirements. Unquestionably, there will be a cost associated with this. Some view this as a shifting of responsibility by the federal government to the states. The fact is, it is the state that makes the determination that it will seek the death penalty and, therefore, it is only appropriate that the state pay its costs. I see the federal habeas corpus reform not so much as Congress instructing the state on how defendants in capital cases should be represented but, rather, a recognition of the state's inherent responsibility to ensure adequate representation of every indigent defendant that is called to account in its courts. The public defender must have the resources to hire and retain experienced attorneys. These resources must include reasonable salaries, office facilities and support staff. I would urge both the Governor and you as you consider the budget request of the public defender commission to take into account its needs for adequate office space and staff salaries. These are essential to secure the promise that effective and experienced attorneys will be representing indigent defendants in criminal cases.

Last year, you will recall I told you that I had recently appointed a committee to study court security in Missouri. The committee, headed by Chief Judge Robert Ulrich of the Missouri Court of Appeals, Western District, reported back late this summer. One of the recommendations in the report was that the responsibility of the marshals for security of the Supreme Court and Court of Appeals buildings and judges should be spelled out in the statutes. We will be seeking legislation this year to make clear that the marshals and security officers have the necessary authority and the responsibility to provide such security. Other steps are being taken to heighten the awareness of local circuit courts, courthouses, and sheriffs regarding evolving security issues. We will be seeking authority to employ a court security specialist to provide advice and assistance to local circuit courts in these matters.

To ensure equal justice under law demands access by all, even the poor. In the past, it has been a combination of free work by lawyers plus federal funding and private contributions that have ensured that the poorest people in Missouri are able to access Missouri's courts.

Lawyers are doing their fair share. In fact, some are doing more than their fair share in representing the poor. In Missouri, there are 3,000 lawyers who regularly take cases without fee from six legal services offices located in the state. That accounts for more than 15% of the legal aid services cases in Missouri. In addition, there are thousands of attorneys who represent their clients for little or no fee, but receive no recognition for it in the statistics of the legal services agencies. I know of no profession that does more to help the poor than do these attorneys. The Missouri Bar Board of Governors is taking steps to encourage increased private contributions and lawyer participation in legal services. This is a story that the news media simply does not cover.

Even though lawyers are providing enormous amounts of money and energy to this cause, I challenged them to do more at the annual meeting of The Missouri Bar. I am today asking the state of Missouri to do more. Federal funds are drying up. But this is a **state** justice system, and the state has the responsibility to keep that system open to all who need access. As you did last year for the first time, I would ask that you continue to provide funding for legal services so that the poorest among us will have access to our system of justice. Indeed, unless the very poorest do have access to our court system, it is difficult to consider it fully a system of justice.

In most areas, the growth in case loads has been modest. But the caseloads continue to grow at an alarming rate in the area of family law. More than 14,000 more domestic relations cases were filed in 1996 than in 1992. Through transfer projects, we have been able to move judges to where the caseloads exist in order to maximize the number of cases that can be disposed of by our courts. In general, we either transfer judges or rely on senior judges to handle these growing caseloads. In particular, during FY96, 34 retired judges accepted assignment to serve as senior judges. Those judges provided the courts with 455 weeks of judicial service. Senior judges have proved most valuable where vacancies had occurred due to retirement or illness, or caseloads demanded attention. These judges have kept dockets current until a replacement was appointed or in order to keep the court current. In effect, our senior judges have provided us nearly 10 judges in the fiscal year 1995-96. I want to thank the General Assembly for fully funding the senior judge program, and I would ask you to continue to fully compensate these judges for their work. They are doing an outstanding job.

At the 1996 meeting of the Judicial Conference, it was recommended that our circuit court clerks all be appointed. First, let me say that in my personal contact with elected circuit clerks, most, if not all elected circuit clerks are doing an excellent job. However, the position is critical to the operation of the circuit courts. There is no reason that good circuit clerks should not have the same job security as is held by deputy circuit clerks. As all of you are keenly aware, it takes an inordinate amount of time, money and energy outside the courthouse to run for elective office. That is time taken away from managing the millions of dollars, the records, and hundreds of personnel who work for the courts. The number of cases, the amount of money and the complexity of our courts require the constant attention of those in a managerial position. By making the clerks responsible to the judges who, in turn, are responsible to the people for running the courts, we will assure a close working relationship and, I believe, a more efficient operation of the circuit courts. I commend the proposal of the Judicial Conference to you for your consideration.

Being a court clerk is no longer the uncomplicated job of keeping the files. Today clerks assist claimants in filling out small claims petitions, prepare adult abuse pleadings and give advice to potential litigants. They handle millions of dollars in child support collections. These are tasks that clerks ten years ago would not be asked to do. Clerks must know the fundamentals of using spreadsheets, databases and word processing in the new electronic world. These clerks are in need of training to keep up with the increasing sophistication that is occurring in the court operations. With computerization we must take steps to keep clerks in touch with the new technology now being placed in the courts across the state. We are asking the General Assembly to appropriate funds to provide training to the more than 1,800 clerical staff in the circuit courts. We need to establish a

permanent inservice professional training program for clerks equivalent in amount and quality to that provided for other state employees.

The vision of the Missouri court automation project is service, justice and access. Last year, I mentioned the electronic library on compact disks made available to all judges. During the past year, we have adopted a computer network architecture plan which established standards for the wiring, software and hardware for the new automated system. Pilot courts are being assessed and brought into alignment with those equipment standards.

We now have a statewide electronic mail communication system. We are making better use of the internet. As I reported last year, cases of the Missouri Supreme Court are now in full text on the internet. Last month, the cases of the Missouri Court of Appeals, Eastern District, were placed on the internet. We anticipate that the other two districts of the court of appeals and several circuit courts will also have information available on line in the very near future.

As the circuit courts come onto the internet, they will be able to give detailed information not only to lawyers but to all citizens about dockets, where to file small claims or an adult abuse action, telephone numbers to call to obtain legal assistance, and even forms for simple claims that may be prosecuted without an attorney.

During this summer and fall, we have begun procurement of a case management system, a system that will apply to all divisions of all courts across the state. There are 27 pilot project sites, but there are two that will be the primary test sites, Montgomery County and Jackson County. It is our belief that if we can make the case management system work in both of those counties, it will work in every county of the state. The case management system is the critical centerpiece of court automation. With the case management system and the legislation you passed last year, we will be able to ensure accurate, uniform assessment and collection of costs. Internal and external electronic audits will be possible. Fast and accurate electronic transfer of funds from local courts to the agency entitled to those funds will become possible. The case management system extends to every aspect of every case, from civil to criminal, from juvenile to probate, from small claims to appeals. Once complete, it will give people outside the courts, including executive agencies, law enforcement, attorneys, news media and ordinary citizens access to information. It is an ambitious project. No state has successfully accomplished a statewide, all-encompassing case management system. Some have tried and failed. We've learned from those failures. We have moved cautiously. We've had a number of intermediate successes. All that is missing is the necessary funding to move forward into the last five years of the project.

As most of you are aware, the name of our court automation project was EC/2004, referring to the fact that we believed from the beginning that it was a ten-year project. However, the startup funding through court costs was only provided for five years.

The successes already mentioned have proven that we have developed an electronic court system that has the capacity to connect all courts in the state with each other and all lawyers with the courts. Indeed, all citizens of the state are now connected with the judicial branch of government through the internet and electronic mail. In order to complete the mission which the courts have been given, and for this valuable project to continue, it is now necessary that we extend the funding to the year 2004, as originally envisioned.

We are asking that the court costs of \$7.00 per case be extended to the year 2004. In addition, we will be working to develop a long-term, stable method to ensure the revenue to maintain the system and ensure staff training for those who will be operating the system.

You have a working judiciary. I am very proud to be a part of it. The most obvious evidence of that work is in case disposition rates. Since adopting case disposition time standards in 1994, the time between filing and disposing of felony complaints has dropped 36%. For misdemeanor informations, the time for disposing of cases has dropped 45%. In the area of domestic relations, the time for disposing of cases, statewide, has dropped 32%. Again, I think our judges and the lawyers who try cases before them are to be complimented on the way they move cases. It has also required the efforts of every clerk in the state to maintain this kind of growth. Whatever may be happening in other states, I'm pleased to report to the legislature that in Missouri there are no case overloads in any circuit.

As some of you know, I have an office which stands opposite the capitol, in the red brick building. In a few weeks, I'll look across the lawn in front of the capitol and I'll see the tulips and daffodils begin to push up through the earth. The grass will again turn green. The trees will begin to bud. Dozens of yellow buses will begin to appear in the driveway in front of the capitol building. Out of those buses will come thousands of young people. Among them are tomorrow's voters, representatives, senators and chief justices. They're usually boisterous, and some of them are even unruly. At times they'll clog the hallways and make it difficult for us to move from one place to another here in the capitol building or over in the supreme court building.

Yet one of the great pleasures of my work has been to visit with some of these young people. I try to explain to them something about the building and give them a sense of Missouri history and a broad idea of what the courts do. Then I usually open it up for questions.

Last year, I was set back on my heels by a question of a fifth grader. He asked why these buildings are so fancy. I had to think a minute. Why do we have the ornate buildings, the high ceilings, the marble pillars and the words of great thinkers and spiritual leaders chiseled in the walls? Why do we have the inlaid wood and the beautiful works of art both in and outside the buildings? As I thought about that question, the answer came to me. The buildings remind those of us who work here that we're only here temporarily. The buildings and the values chiseled into the walls were put here

years before we came, and will be here years after we re gone. We re merely the caretakers of a dream. Our purpose is to pass on the dream, established by others and inculcated in us, to another generation.

The words we use today are new: electronic courts, judicial resource allocation, case disposition standards. Next year, there will be a new chief justice with new ideas and renewed enthusiasm for the work. It s our form of term limits. But for our state courts, the dream remains constant: to provide a just and speedy disposition of every case on its merits and to make that system of justice accessible to all citizens of Missouri. We pledge to join hands with you to make this dream a reality.

Thank you again for allowing the chief justice to share these thoughts with you.

On motion of Senator Quick, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Wilson.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 240--By Lybyer.

An Act to repeal section 33.120, RSMo 1994, relating to claims and warrants, and to enact in lieu thereof one new section relating to the same subject.

SB 241--By Bentley, Wiggins and Singleton.

An Act to repeal section 137.555, RSMo 1994, relating to funds for county roads and bridges, and to enact in lieu thereof one new section relating to the same subject.

SB 242--By Caskey.

An Act to amend chapter 181, RSMo, by adding thereto one new section relating to the establishment of the Wolfner library trust fund.

SB 243--By Caskey.

An Act to repeal section 435.465, RSMo Supp. 1996, relating to requirements for arbitration agreements, and to enact in lieu thereof one new section relating to the same subject.

SB 244--By DePasco.

An Act to repeal section 567.020, RSMo 1994, relating to prostitution, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 245--By DePasco.

An Act to amend chapter 643, RSMo, by adding thereto one new section relating to expedited permit review.

SB 246--By Wiggins and Howard.

An Act to repeal sections 337.606, 337.612, 337.618, 337.621, 337.630 and 337.633, RSMo 1994, and sections 337.603, 337.615 and 337.627, RSMo Supp. 1996, relating to the state committee for social workers, and to enact in lieu thereof ten new sections relating to the same subject.

SB 247--By House, Wiggins, Ehlmann, Sims, Kenney, Bentley, Westfall, Childers, Klarich, Rohrbach, Scott, Kinder, Graves, Clay, Schneider, Flotron, Curls, Russell, McKenna, Singleton, Yeckel, DePasco and Mueller.

An Act to amend chapter 135, RSMo, relating to a tax credit for certain charitable contributions, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 248--By Schneider.

An Act to repeal sections 217.730, 302.225, 374.715, 429.470, 429.490, 476.010, 476.050, 476.055, 509.030, 511.500, 513.045, 543.335, 545.040, 545.050, 545.060, 545.070, 545.240, 545.270, RSMo 1994, sections 217.305, 302.020, 302.341, 488.015, 488.020, 512.050, 559.027, 559.029 and 577.051, RSMo Supp. 1996, sections 57.290, 429.090, 429.120, 452.345, 479.260 and 511.510, as both versions of such sections appear in RSMo Supp. 1996, and section 595.045, RSMo Supp. 1996, contained in house committee substitute for senate bill 769, truly agreed to and finally passed by the second regular session of the eighty-eighth general assembly, relating to courts, and to enact in lieu thereof thirty-six new sections relating to the same subject, with an emergency clause.

SB 249--By Flotron.

An Act to amend chapter 516, RSMo, by adding thereto one new section relating to statutes of limitations.

Senator Staples assumed the Chair.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 1**.

MISCELLANEOUS

President Pro Tem McKenna submitted the following hearing schedule revision:

"2:00 p.m. - Monday - Financial & Governmental Organization - SL (Maxwell)".

REFERRALS

President Pro Tem McKenna referred **SCR 16** to the Committee on Rules, Joint Rules and Resolutions.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 250--By Curls.

An Act to repeal section 375.786, RSMo 1994, relating to certificates of authority to transact insurance, and to enact in lieu thereof one new section relating to the same subject.

SB 251--By Curls.

An Act relating to expungement of certain criminal records, with penalty provisions.

SB 252--By Curls.

An Act to repeal section 374.770, RSMo 1994, relating to bail bond forfeitures, and to enact in lieu thereof seventeen new sections for the purpose of licensing bounty hunters.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 36, regarding John David Woods, Lawson, which was adopted.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

MISSOURI SENATE

January 13, 1997

Senator Sidney Johnson

State Capitol Building Room 332

Jefferson City, MO 65101

Dear Senator Johnson

Please be advised that I have appointed you as a member of the Tourism Commission, (Section 620.455, RSMo) throughout the 89th General Assembly.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

MISSOURI SENATE

January 13, 1997

Senator Roseann Bentley

State Capitol Building Room 421

Jefferson City, MO 65101

Dear Senator Bentley:

Please be advised that I have appointed you as a member of the Tourism Commission, (Section 620.455, RSMo) throughout the 89th General Assembly.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

MISSOURI SENATE

January 13, 1997

Senator John Scott

State Capitol Building Room 416

Jefferson City, MO 65101

Dear Senator Scott:

Please be advised that I have appointed you as a member of the Joint Committee on Public Employee Retirement (Chapter 21.560 through 21.564, RSMo).

If I can be of any further assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

MISSOURI SENATE

January 13, 1997

Senator Harold Caskey

State Capitol Building Room 320

Jefferson City, MO 65101

Dear Senator Caskey:

Please be advised that I have appointed you as a member of the Joint Committee on Legislative Research (Article III, Section 35 of the Missouri Constitution, and Chapter 23, RsMO). Senator Wiggins will be the Chairman of the Joint Committee throughout the 89th General Assembly.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

MISSOURI SENATE

January 13, 1997

Senator Ronnie DePasco

State Capitol Building Room 321

Jefferson City, MO 65101

Dear Senator DePasco:

Please be advised that I have appointed you as a member of the Joint Committee on Legislative Research (Article III, Section 35 of the Missouri Constitution, and Chapter 23, RsMO). Senator Wiggins will be the Chairman of the Joint Committee throughout the 89th General Assembly.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

MISSOURI SENATE

January 13, 1997

Senator Francis Flotron

State Capitol Building Room 331

Jefferson City, MO 65101

Dear Senator Flotron:

Please be advised that I have appointed you as a member of the Joint Committee on Legislative Research (Article III, Section 35 of the Missouri Constitution, and Chapter 23, RsMO). Senator Wiggins will be the Chairman of the Joint Committee throughout the 89th General Assembly.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

MISSOURI SENATE

January 13, 1997

Senator Jerry Howard

State Capitol Building Room 428A

Jefferson City, MO 65101

Dear Senator Howard:

Please be advised that I have appointed you as a member of the Joint Committee on Administrative Rules (Chapter 536, RSMo).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

MISSOURI SENATE

January 13, 1997

Senator Walt Mueller

State Capitol Building Room 330

Jefferson City, MO 65101

Dear Senator Mueller:

Please be advised that I have appointed you as a member of the Joint Committee on Legislative Research (Article III, Section 35 of the Missouri Constitution, and Chapter 23, RsMO). Senator Wiggins will be the Chairman of the Joint Committee throughout the 89th General Assembly.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

MISSOURI SENATE

January 13, 1997

Senator Larry Rohrbach

State Capitol Building Room 433

Jefferson City, MO 65101

Dear Senator Rohrbach:

Please be advised that I have appointed you as a member of the Joint Committee on Legislative Research (Article III, Section 35 of the Missouri Constitution, and Chapter 23, RsMO). Senator Wiggins will be the Chairman of the Joint Committee throughout the 89th General Assembly.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

MISSOURI SENATE

January 13, 1997

Senator John Russell

State Capitol Building Room 419

Jefferson City, MO 65101

Dear Senator Russell:

Please be advised that I have appointed you as a member of the Joint Committee on Legislative Research (Article III, Section 35 of the Missouri Constitution, and Chapter 23, RsMO). Senator Wiggins will be the Chairman of the Joint Committee throughout the 89th General Assembly.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, January 20, 1997.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY--MONDAY, JANUARY 20, 1997

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, twenty-nine years ago a man with a dream died; but the dream of the man is still alive. We ask forgiveness that Rev. King's dream has not been realized for all Americans. We pray that You will help each of us to treat every other human being with dignity and respect and to accept every person as a brother or sister. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 16, 1997, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Absent with leave--Senators

Clay	Curls	Maxwell--3
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 37, regarding Garry E. Taylor, which was adopted.

Senator Mathewson offered Senate Resolution No. 38, regarding the Eighty-fifth Birthday of Hettie Spry Holliday,

Tipton, which was adopted.

Senator Scott offered Senate Resolution No. 39, regarding Keith Elliott, St. Louis, which was adopted.

On behalf of Senator Curls, Senator Quick offered Senate Resolution No. 40, regarding Reverend A. L. Johnson, Kansas City, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 41, regarding Tom Cronan, St. Charles, which was adopted.

Senator House offered Senate Resolution No. 42, regarding Joe Daues, St. Charles, which was adopted.

Senator House offered Senate Resolution No. 43, regarding Penny Pitman, St. Charles, which was adopted.

Senator Staples assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 253--By Westfall and McKenna.

An Act relating to the regulation and licensing of clinical perfusionists, with penalty provisions and an effective date.

SB 254--By Johnson, Westfall and Bentley.

An Act to repeal section 67.582, RSMo Supp. 1996, relating to the law enforcement sales tax, and to enact in lieu thereof one new section relating to the same subject.

SB 255--By Rohrbach.

An Act to repeal sections 57.949, 57.967 and 57.982, RSMo 1994, relating to the sheriffs' retirement system, and to enact in lieu thereof three new sections relating to the same subject.

SB 256--By Jacob.

An Act to repeal section 175.021, RSMo 1994, and sections 172.035 and 174.055, RSMo Supp. 1996, relating to student representatives on the governing boards of certain institutions of higher education, and to enact in lieu thereof three new sections relating to the same subject.

SB 257--By House.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to pension programs in ambulance districts.

SB 258--By House.

An Act to repeal sections 67.455, 67.457, 67.459 and 67.461, RSMo Supp. 1996, and section 67.475, RSMo 1994, relating to certain political subdivisions, and to enact in lieu thereof seven new sections relating to the same subject.

SB 259--By House.

An Act Chapter 11, RSMo, is amended by adding thereto one new section relating to the common language of the state of Missouri.

SB 260--By McKenna.

An Act to repeal sections 572.070 and 572.125, RSMo 1994, relating to gambling, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 261--By Childers.

An Act to repeal section 41.1000, RSMo Supp. 1996, relating to civil air patrol members who are state employees, and to enact in lieu thereof one new section relating to the same subject.

SB 262--By Banks.

An Act to repeal sections 329.040, 329.045, 329.080 and 329.085, RSMo Supp. 1996, relating to cosmetologists, and to enact in lieu thereof four new sections relating to the same subject.

SB 263--By Banks.

An Act to repeal sections 660.100, 660.105, 660.110, 660.115, 660.120, 660.122, 660.125 and 660.135, RSMo 1994, and section 660.130, RSMo Supp. 1996, relating to the funding of the Missouri utility and related energy assistance programs, and to enact ten new sections relating to the same subject, with an emergency clause.

SB 264--By Caskey.

An Act to repeal section 178.930, RSMo 1994, relating to sheltered workshops, and to enact in lieu thereof one new section relating to the same subject.

SB 265--By Caskey.

An Act to repeal sections 404.703, 404.705, 404.710, 404.714, 404.717, 404.723, 404.727 and 404.730, RSMo 1994, and section 404.719, RSMo Supp. 1996, relating to powers of attorney, and to enact in lieu thereof nine new sections relating to the same subject.

SB 266--By Graves.

An Act to repeal section 287.390, RSMo 1994, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

SB 267--By Graves.

An Act to repeal section 67.1000, RSMo Supp. 1996, relating to motels and hotels, and to enact in lieu thereof one new section relating to the same subject.

SB 268--By Graves.

An Act to amend chapter 376, RSMo, by adding three new sections relating to payment for drugs for off-label use.

SB 269--By Klarich and Wiggins.

An Act to repeal sections 143.411, 143.471, 347.020, 347.037, 347.039, 347.081, 347.103, 347.109, 347.121, 347.125, 347.129, 347.133, 347.137, 347.141, 347.700, 347.705, 347.710, 355.431, 359.011, 359.165, 359.201, 359.351 and 484.020, RSMo 1994, and sections 347.015, 347.187 and 358.150, RSMo Supp. 1996, relating to regulation of business, and to enact in lieu thereof thirty-one new sections relating to the same subject, with an emergency clause.

SB 270--By Flotron.

An Act to repeal sections 287.020, 287.030, and 287.090, RSMo 1994, relating to employer and employee coverages and exemptions, and to enact in lieu thereof four new sections relating to the same subject.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert E. Bell, 43 Villa Coublay Drive, St. Louis, St. Louis County, Missouri 63131, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James R. Dickerson, Lake Road 54-80, Camdenton, Camden County, Missouri 65020, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles H. Kemper, Republican, 650 2nd Street, Post Office Box 86, Troy, Lincoln County, Missouri 63379, as a member of the Missouri Public Entity Risk Management Board of Trustees, for a term ending July 15, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Daniel S. Ross, 3000 Lakewood Court, Jefferson City, Cole County, Missouri 65109, as a member of the Personnel Advisory Board, for a term ending July 31, 2002, and until his successor is duly appointed and qualified; vice, RSMo 36.050.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kala M. Stroup, 2024 Stadium Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles P. Swisher, CHE, 15 Brazilian Court, St. Louis, St. Louis County, Missouri 63124, as a member of the Children's Trust Fund Board, for a term ending September 15, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen W. Taylor, 3300 Chapel Hill Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 8, 1997 for your advice and consent.

Arthur L. Poger, Democrat, 1109 Thornwood Drive, Ladue, St. Louis County, Missouri 63124, as a member of the Residential Mortgage Board,

for a term ending October 10, 1999, and until his successor is duly appointed and qualified; vice, House Bill 63.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 8, 1997 for your advice and consent.

Thomas E. Bangert, Democrat, 6123 Brookpark, Imperial, Jefferson County, Missouri 63052, as a member of the Residential Mortgage Board, for a term ending October 10, 1999, and until his successor is duly appointed and qualified; vice, House Bill 63.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 8, 1997 for your advice and consent.

Shirley A. Grimmett, Republican, 5145 Old Wire Road, Brookline, Greene County, Missouri 65619, as a member of the Residential Mortgage Board, for a term ending October 10, 1998, and until her successor is duly appointed and qualified; vice, House Bill 63.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 8, 1997 for your advice and consent.

Jennifer M. McCreight, Republican, 633 NE Rushbrook Place, Lee's Summit, Jackson County, Missouri 64064, as a member of the Residential Mortgage Board, for a term ending October 10, 1998, and until her successor is duly appointed and qualified; vice, House Bill 63.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 8, 1997 for your advise and consent.

Carla A. Owens-Cobbs, 218 Dix Road, Apartment 17, Jefferson City, Cole County, Missouri 65109, as a member of the Personnel Advisory Board, for a term ending at the pleasure of the Governor; vice, House Bill 1146.

Respectfully submitted,

MEL CARNAHAN

Governor

Senator McKenna request unanimous consent of the Senate to make one motion to return the withdrawals to the Governor, which request was granted.

On motion of Senator McKenna, the appointments of Arthur L. Poger, Thomas E. Bangert, Shirley A. Grimmer, Jennifer M. McCreight and Carla A. Owens-Cobbs were returned to the Governor pursuant to his request.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCRs 3, 5, 6 and 7**.

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NOS. 3, 5, 6 and 7

WHEREAS, on November 8, 1994, the voters of Missouri adopted Section 3 of Article XIII, of the Constitution of Missouri; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the compensation of state elected officials, the General Assembly and state judges is to be set by the Missouri Citizens Commission on Compensation after public hearings and a review and study of the relationship of the compensation to the duties of the elected state officials, the members of the General Assembly and state judges; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that after the hearings, the Commission shall file its initial schedule of compensation with the Secretary of State and the Revisor of Statutes before December 1, 1996; and

WHEREAS, on November 25, 1996, the Revisor of Statutes received the 1996 Report and Compensation Schedule (Appendix A) of the Missouri Citizens Commission on Compensation for Elected Officials, dated November 30, 1996; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the schedule shall become effective unless disapproved by a concurrent resolution adopted by the General Assembly before February 1, 1997; and

WHEREAS, the members of the General Assembly feel the compensation recommended in the Compensation Schedule is excessive, and is not appropriate at this time:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby reject the 1996 Compensation Schedule (Appendix A) of the 1996 Report and Compensation Schedule of the Missouri Citizens Commission on Compensation for Elected Officials, dated November 30, 1996.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 3**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

REFERRALS

President Pro Tem McKenna referred **HCS** for **HCRs 3, 5, 6 and 7** to the Committee on Rules, Joint Rules and Resolutions.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 142--Commerce and Environment.

SB 143--Financial and Governmental Organization.

SB 144--Aging, Families and Mental Health.

SB 145--Commerce and Environment.

SB 146--Education.

SB 148--Financial and Governmental Organization.

SB 149--Judiciary.

SB 150--Insurance and Housing.

SB 151--Education.

SB 152--Education.

SB 153--Public Health and Welfare.

SB 154--Judiciary.

SB 155--Agriculture, Conservation, Parks and Tourism.

SB 156--Ways and Means.

SB 157--Judiciary.

SB 158--Public Health and Welfare.

SB 159--Civil and Criminal Jurisprudence.

SB 160--Transportation.

SB 161--Judiciary.

SB 162--Civil and Criminal Jurisprudence.

SB 163--Financial and Governmental Organization.

SB 164--Local Government and Economic Development.

SB 165--Local Government and Economic Development.

SB 166--Corrections and General Laws.

SB 167--Local Government and Economic Development.

SB 168--Education.

SB 169--Judiciary.

SB 170--Financial and Governmental Organization.

SB 171--Local Government and Economic Development.

SB 172--Insurance and Housing.

SB 175--Local Government and Economic Development.

SB 176--Appropriations.

SB 177--Appropriations.

SB 178--Judiciary.

SB 179--Agriculture, Conservation, Parks and Tourism.

SB 180--Civil and Criminal Jurisprudence.

SB 181--Elections, Pensions and Veterans' Affairs.

SB 182--Public Health and Welfare.

SB 183--Public Health and Welfare.

SB 184--Labor and Industrial Relations.

SB 185--Education.

SB 186--Ways and Means.

SB 187--Education.

SB 188--Financial and Governmental Organization.

SB 189--Local Government and Economic Development.

SB 190--Education.

SB 191--Corrections and General Laws.

SB 192--Elections, Pensions and Veterans' Affairs.

SB 193--Financial and Governmental Organization.

SB 194--Elections, Pensions and Veterans' Affairs.

SB 195--Local Government and Economic Development.

SB 196--Judiciary.

SB 197--Financial and Governmental Organization.

SB 198--Commerce and Environment.

SB 199--Elections, Pensions and Veterans' Affairs.

SB 200--Education.

SJR 1--Judiciary.

SJR 2--Appropriations.

SJR 3--Judiciary.

SJR 4--Appropriations.

SJR 5--Education.

SJR 6--Elections, Pensions and Veterans' Affairs.

SJR 7--Appropriations.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 271--By Schneider.

An Act to repeal sections 537.600 and 537.610, RSMo 1994, relating to civil liability, and to enact in lieu thereof four new sections relating to the same subject.

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, Bob Knuth, Florida; and Todd Scott, Columbia.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

EIGHTH DAY--TUESDAY, JANUARY 21, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, with so much for which to give thanks, forgive us when we complain about what we don't have. We are thankful for our blessings and pray that You will use us to share what we have with others, our time, our energy, our talent and even our possessions. Make us a blessing today. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Quick announced that photographers from KRCG-TV, KOMU-TV and the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Absent with leave--Senators

Clay	Curls	Maxwell--3
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The Lieutenant Governor was present.

President Wilson assumed the Chair.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 44, regarding Douglas Ray Myers, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 45, regarding Christopher Paul Reynolds, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 46, regarding Carol Dwight Walker, III, Kansas City, which was adopted.

Senator Quick moved that **SR 35** be taken up for adoption, which motion prevailed.

On motion of Senator Quick, **SR 35** was adopted.

CONCURRENT RESOLUTIONS

Senator Lybyer moved that **SCR 3** be taken up for adoption, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Lybyer moved that **SCR 3** be adopted.

At the request of Senator Lybyer, the motion to adopt **SCR 3** was withdrawn.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 272--By House and Ehlmann.

An Act to repeal sections 67.1065 and 67.1070, RSMo 1994, relating to homeless assistance programs in certain counties, and to enact in lieu thereof two new sections relating to the same subject.

SB 273--By House and Ehlmann.

An Act to repeal section 172.273, RSMo Supp. 1996, relating to the university of Missouri, and to enact in lieu thereof one new section relating to the same subject.

SB 274--By McKenna.

An Act to repeal sections 313.540 and 313.660, RSMo 1994, relating to off-track pari-mutuel wagering, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

SB 275--By Kinder, Schneider, Ehlmann, House, Rohrbach, Childers, Flotron, Yeckel, Johnson, Klarich, Kenney, Graves, Scott, Wiggins, Westfall, Mueller, Russell and McKenna.

An Act to repeal sections 188.015 and 188.035, RSMo 1994, relating to abortions, and to enact in lieu thereof three new sections relating to the same subject, with a penalty provision.

SB 276--By Ehlmann and Kinder.

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to pupil course schedules in public schools.

SB 277--By Ehlmann.

An Act to repeal sections 160.514, 160.518 and 160.538, RSMo 1994, relating to education and to enact in lieu thereof three new sections relating to the same subject.

SB 278--By Ehlmann, Goode, Mueller, Yeckel, McKenna, Schneider, Klarich, Scott, Flotron, House and Sims.

An Act to repeal sections 305.510 and 305.515, RSMo 1994, relating to the Missouri-St. Louis Metropolitan Airport Authority, and to enact in lieu thereof two new sections relating to the same subject.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Sgt. Blaine Kinnard, Willard.

Senator Kenney introduced to the Senate, his daughter, Kristin, Lee's Summit; Barbara Wolfe and Chris Summers, Kansas City; Charlie Paine, Grandview; and Tom Wheeler.

Senator Quick introduced to the Senate, Robert Franceen, Kansas City; and Harry Stanley and four students from Eagle Heights Christian School, Kansas City.

Senator Westfall introduced to the Senate, Kelly McKenzie, Springfield.

Senator Rohrbach introduced to the Senate, David Stanley, Jennifer George and Jennifer Kimmel, Bible Baptist Christian Academy, Jefferson City; and David, Jennifer and Jennifer were made honorary pages.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

NINTH DAY--WEDNESDAY, JANUARY 22, 1997

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are thankful for those who give us words of encouragement, who give us a lift when we are down, and who, in general, make life more enjoyable. Help us to be the kind of people for whom others give thanks. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 47, regarding Robert "Bob" Palmer, Oakville, which was adopted.

Senator Yeckel offered Senate Resolution No. 48, regarding Terri Ems, Affton, which was adopted.

Senator Yeckel offered Senate Resolution No. 49, regarding Representative May Scheve, which was adopted.

Senator Sims offered Senate Resolution No. 50, regarding Roland T. Godi, which was adopted.

Senator Mathewson offered Senate Resolution No. 51, regarding the Eighty-ninth Birthday of Glenn Robertson Holliday, Tipton, which was adopted.

Senator Graves offered the following resolution, which was read:

SENATE RESOLUTION NO. 52

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Missouri Jaycees organization has sought to instill leadership qualities in its members through its excellent mock legislature program; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for the purpose of their governmental and citizenship programs;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Eighty-ninth General Assembly, First Regular Session hereby grant the Missouri Jaycees permission to use the Senate Chamber for the purpose of holding the Twenty-ninth Annual Missouri Jaycee Mock Legislature on November 8 and 9, 1997.

Senator Graves requested unanimous consent of the Senate to take **SR 52** up for adoption, which request was granted.

On motion of Senator Graves, **SR 52** was adopted.

Senator Staples offered Senate Resolution No. 53, regarding Dan Needham, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

R. Mark Alexander, 658 Pineridge, Marshfield, Webster County, Missouri 65706, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until his successor is duly appointed and qualified; vice, David Blackburn, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Amy S. Campbell, 100 N. Linnwood Drive, #8, Linn, Osage County, Missouri 65051, as a member of the Child Abuse and Neglect Review Board, for a term ending August 3, 1999, and until her successor is duly appointed and qualified; vice, Carla Turner, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Henry E. Clabaugh, Republican, 1948 Rustic Oak Road, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 1999, and until his successor is duly appointed and qualified; vice, Timothy Sullivan, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas M. Gialde, 3104 NE 71st Street, Gladstone, Clay County, Missouri 64119, as a member of the Board of Pharmacy, for a term ending October 21, 2001, and until his successor is duly appointed and qualified; vice, Michael Sachs, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James L. Gray, III, 2619 Briar Valley Court, St. Louis, St. Louis County, Missouri 63122, as a member of the Board of Pharmacy, for a term ending April 13, 1999, and until his successor is duly appointed and qualified; vice, William Fitzpatrick, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Malaika B. Horne, Democrat, 4908 Washington Boulevard, St. Louis City, Missouri 63108, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John A. Mathes, Republican, 10633 Sunset View Estates Drive, Sunset Hills, St. Louis County, Missouri 63128, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2003, and until his successor is duly appointed and qualified; vice, Jim McHugh, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Martin H. Michel, Route 12 Box 72, Poplar Bluff, Butler County, Missouri 63901, as a member of the Board of Pharmacy, for a term ending April 26, 2000, and until his successor is duly appointed and qualified; vice, Eules Hively, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Paul W. Steele, Republican, Route 2, Box 202, Chillicothe, Livingston County, Missouri 64601, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2003, and until his successor is duly appointed and qualified; vice, John C. Cozad, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William L. Treece, Route 1, Box 126, Sweet Springs, Saline County, Missouri 65351, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carol Banta Walker, Republican, 136 South Price Road, St. Louis, St. Louis County, Missouri 63124, as a member of the Harris-Stowe State College Board of Regents, for a term ending August 28, 2002, and until her successor is duly appointed and qualified; vice, Terry Turner, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

Senator Quick moved that the Senate recess to repair to the House of Representatives to receive the State of the State address from His Excellency, Governor Mel Carnahan, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Wilson.

On roll call the following Senators were present:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

On roll call the following Representatives were present:

Present--Representatives

Akin	Alter	Auer	Backer
Ballard	Barnett (4)	Barry (100)	Bartelsmeyer
Bauer	Bennett (15)	Berkstresser	Bland
Boatright	Bonner	Boucher	Bray
Broach	Burton	Campbell	Carter
Champion	Chrismer	Cierpiot	Clayton
Cooper	Copeland	Crawford	Crump
Daniel (42)	Daniels (41)	Davis (63)	Davis (122)
Days	Dolan	Donovan	Dougherty
Edwards-Pavia	Elliott	Enz	Evans
Farmer	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fritts
Froelker	Gaskill	Gaston	Gibbons
Goward	Graham (24)	Graham (106)	Gratz
Green	Griesheimer	Gross	Gunn
Hagan-Harrell	Hall	Hand	Harlan
Hartzler (123)	Hartzler (124)	Heckemeyer	Hegeman
Hendrickson	Hickey	Hohulin	Holand

Hollingsworth	Hoppe	Hosmer	Howerton
Johnson	Kasten	Kauffman	Kelley (47)
Kelly (27)	Kennedy	Kissel	Koller
Kreider	Lakin	Lawson	Leake
Legan	Levin	Liese	Linton
Lograsso	Long	Luetkenhaus	Lumpe
Marble	May (108)	Mays (50)	McBride
McClelland	McLuckie	Miller	Monaco
Murphy	Murray	Naeger	O'Connor
O'Toole	Ostmann	Overschmidt	Parker
Patek	Pouche	Pryor	Purgason
Ransdall	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Robirds
Ross	Sallee	Scheve	Schilling
Schwab	Scott	Secrest	Seigfreid
Shear (83)	Sheldon (104)	Shelton (57)	Shields
Skaggs	Smith	Steen	Stokan
Stoll	Stroker	Summers	Surface
Tate	Thomason(163)	Thompson (37)	Townley
Treadway	Troupe	VanZandt	Vogel
Wannenmacher	Wiggins	Williams (121)	Williams (159)
Wilson	Wooten	Mr. Speaker--159	
	Absent and Absent with Leave--Representatives		
Loudon	Nordwald--2		
	Vacancies--2		

The Joint Committee appointed to wait upon His Excellency, Governor Mel Carnahan, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

STATE OF THE STATE ADDRESS

By

Governor Mel Carnahan

January 22, 1997

Mr. President, Mr. Speaker, Mr. President Pro Tem, distinguished state officials, members of the 89th General Assembly, and citizens of Missouri:

INTRODUCTION

While every public official in this chamber was preparing to come here this morning, over five million other Missourians were also starting their day.

Outside of Kansas City in the suburban community of Lee's Summit, Mary Capell has already done 45 minutes of aerobics, showered, dressed, fixed breakfast, and taken her child to daycare so she can open her office at Precision Cable. Mary is no longer on welfare because of our nationally recognized welfare-to-work efforts. She was hired by Precision Cable and has already received several raises and promotions. She is also attending classes at Longview Community College three nights a week to get her business administration degree.

On the other side of the state this morning, in the small southwest community of Crane, Katy Paschall is getting her sister up on their farm at 6 a.m., so they can both get to school in Hurley. Katy lives with her adopted family, Hurley teacher Tracy Flood and her husband Don. With their encouragement she has stayed in school, even though at one time in her life she was thinking about dropping out.

Katy's school in Hurley has gone in four years from being one of the poorest schools in the state to being on the cutting edge of technology because of the Outstanding Schools Act. Like the Hurley school, Katy has risen above adversity with the help of new technology. Three years ago the school had only six computers. Now, Katy has multi-media computers in all her classes and access to a computer lab.

Katy, a junior, has gone from being computer illiterate to one of the top Hurley students on keyboard and a straight-A student. In fact, she is currently designing a brochure for a residential care facility in Versailles as a part of her Technology Lab Class.

Mary and Katy are just two examples of Missourians you probably do not know. And probably will never meet. But it is my privilege to share their stories with you because you have touched their

lives.

For the next four months until the final gavel, your lives will be consumed with a mountain of paper--bills, amendments, memos, and constituent letters. Your days will be filled with phone calls and meetings. Your mind will overflow with priorities and the demands of your job.

In the face of all that, please don't allow Mary Capell and Katy Paschall to be forgotten. Don't lose track of why we're here. It's not about paper, procedures, and process. Or politics...or even programs. It's about people--the people we serve. It's about providing them with new opportunities for a new century.

Several of those people whose lives you've already touched are with us today. One of them is the Vice President of Human Resources of MEMC Electronic Materials, Brad Eldredge. MEMC is a high tech company that produces silicon wafers used to manufacture integrated circuits and computer memory devices.

This prestigious Missouri company was selected by Industry Week as one of the Ten Best Plants in America and has won our Missouri Quality Award and the Governor's Pollution Prevention Award. So naturally, Brad is proud to be a part of such a great Missouri company that continues to grow.

Because we want to make Missouri an even better place to do business, we are working with outstanding companies such as Brad's to expand their operations in our state. And in our efforts to create new jobs, we have been working with Brad on training employees so he has the high-skilled work force he needs at his plant. This past year, the company made \$175 million in capital investments at the St. Peters plant and created 200 new jobs.

MEMC is one of our many business partners in building a better Missouri through a stronger economy. And we're pleased to have Brad here as our guest today.

Brad, would you please stand up so everyone can let you know how much we appreciate having you here today and your company here in Missouri?

STRONG ECONOMY AND WISE FINANCIAL MANAGEMENT

I am proud, too, that because of aggressive economic development and wise financial management, Missouri is known as a great place to do business. Our low debt and low taxes are highly attractive qualities to both new and expanding businesses.

Missouri is recognized as a state that takes a "results-oriented approach" with "conservative accounting" in operating a state budget. And we balance that budget every year--a feat the federal government has not been able to match. Missouri has a legislature and a government that take the financial responsibility very seriously, and I want to commend the members of this body, especially your budget chairs, Senator Lybyer and Rep. Lumpe, for year after year sending me a balanced budget and sending it to me on time.

I want to also assure Missouri citizens that our Council of Efficient Operations will continue to work with our departments to improve government's ability to deliver services in a cost-effective manner.

Our wise budget decisions, detailed strategic planning, and excellent financial management have earned Missouri a national ranking as the third best managed state in the nation from Financial World magazine. And the Missouri economic news continues to be great. Under my administration, we have created more than 300,000 new jobs.

The best news is that all of our indicators point to continued economic gains in 1997. But looking beyond 1997, I believe we can ensure our long range prosperity by investing in the new opportunities that I am proposing today for a new century.

SALES TAX CUT

Because of our strong state economy and tremendous economic growth, we can afford to give Missourians tax relief. Due to our outstanding economic growth, our state revenue for the budget year we just completed in June far exceeded our expectations, creating surplus revenues of almost \$230 million. These are revenues which constitutionally cannot be spent. They must be returned to the taxpayers.

From this day forward, I want to see that money put back in the pockets of working families. The fastest and fairest way to accomplish that goal is to completely eliminate the three percent general state sales tax on food. Everyone must put food on the table.

This return of food dollars is equivalent to nearly two weeks of free groceries each year for every Missouri family. We must not allow another year to pass without providing this real savings to all Missourians.

I urge you to send this \$230 million permanent tax cut to my desk.

We need to work together in a bipartisan way to give this tax relief to our citizens.

WELFARE REFORM

Three years ago, we made Missouri a model of welfare reform through dramatic and measurable change. A model that has been singled out for praise by President Clinton and many others. A model cited by national press stories in The New York Times, Washington Post, USA Today, and other notable sources.

Our reforms have been aggressive in helping people move off welfare and into jobs. One of our success stories is here with me today.

Her name is Michelle Gale, and she is from O'Fallon.

When Michelle found herself separated from her husband with no support, she became the sole provider for her three children. She went on public assistance and held down two jobs--as a babysitter and housecleaner. When those two jobs ended, she felt helpless and hopeless. That is until she saw one of our promotional fliers about new job training.

In the spring of 1994, she attended an orientation and career exploration session, took tests, and met with a counselor. Based on her good marks in math and English, she got a job referral and went to work in June of 1994.

She has recently re-married, is still working for the same company, and earns high praise from her supervisor. Michelle, all of us here are proud of what you have accomplished through your hard work, diligence, and enthusiasm.

Would you please stand so we can show you how much?

Thank you, Michelle.

Michelle is representative of thousands of similar successes throughout our state. Yes, transformed lives give evidence of our progress.

As a pioneer in welfare reform, Missouri is well ahead of the curve and well positioned to take on the requirements of the federal welfare act. Because we started the welfare reform process shortly after I became governor...well ahead of the federal government...we've already met many of the requirements of the new federal bill.

We have witnessed an astounding 24 straight months of welfare reductions. There are 48,000 fewer people on welfare today than when I took office. And we will continue to move able-bodied Missourians off welfare rolls and onto payrolls.

We must emphasize work; have reasonable time limits for assistance for able-bodied people; and make available the training, education, child care, and job placement services that people need to get and hold a job. And we will strengthen our child support enforcement efforts through new legal tools.

Authorities tell us that if all child support due were paid, our welfare rolls would drop by one-fourth almost overnight. Improved collections in interstate cases and revocation of professional licenses for failure to pay child support are strong tools. They will allow us to toughen our collection efforts and ensure that Missouri's children get the support they are due.

Parents owed child support should be able to count on receiving their checks. Allowing them to be shortchanged only shortchanges our future because they do not have the money to invest in a better life for themselves and their children.

So we will be assuring Missourians that we take the obligation of child support seriously by starting a license revocation program; using better paternity establishment procedures; establishing state and national data bases on new hires and wage withholdings; and giving authorities better information about whether those who owe child support are meeting their obligation to their children.

Yes, we are moving swiftly and prudently to develop a new approach in the way we move recipients from dependency to productivity. But even with these changes, government cannot achieve the levels of success we need to achieve without the support of business.

Our reforms call for bold partnerships with the private sector. What I didn't tell you about two of our special guests before that I want to share with you now is that Michelle Gale and Brad Eldredge know each other. Brad is in charge of hiring at the MEMC plant in St. Charles where Michelle works.

I commend MEMC for helping Missouri move people off welfare and into jobs. I hope that other Missouri businesses will follow the wonderful example of MEMC in putting welfare recipients to work. Public-private partnerships such as this one will be even more important as we replace a broken system and reframe the future into one that moves people into jobs. I urge our state business community to join us in this pursuit.

EDUCATION

Last week, in my inaugural address, I renewed my commitment to improving education in Missouri. When we speak of new opportunities for a new century, nothing can be more crucial than preparing our young people for the future. That is why I am pleased to announce that once again we will be fully funding our school foundation formula this year.

Over the past few years, I have visited schools all over our state. Because of these visits, I have had the opportunity to see what excellent preparation we are offering thanks to our reforms from the Outstanding Schools Act.

Reduced class sizes in lower grades, early childhood education for more children, better vocational education, and more computers in every school are making a difference.

One of the students I met whose life has been changed by our educational reforms is Trevor Mathenia from Springfield. Trevor was a student who made the decision to go to Central High School when he heard it would be joining our A-Plus program.

As you may know, the A-Plus program offers students a career-oriented curriculum as well as challenging academic courses that provide more opportunities for education and employment after graduation. A-Plus students must also meet certain standards of achievement, attendance, and citizenship.

Trevor is sold on the A-Plus program because he knows what a difference it has made in his life. Today, as a junior, he is one of two students who travels to junior high and middle schools in Springfield telling others about the advantages of our A-Plus program. He will be in the first class to graduate in Central's A-Plus program.

Trevor has also found what a difference our efforts have made at Central High School in other areas. For example, he tells us that when he started, Central had very few computers, and they were basically restricted to the office and the library. Now students have access to over 300 computers all over the school--many with Internet capabilities.

Trevor plans to take advantage of our A-Plus tuition scholarships. With it, he can study two years at a community college, before continuing at a four year institution to gain a degree in political science.

But to be eligible for the scholarship under A-Plus, Trevor must keep up a 2.5 grade average, maintain a 95 percent attendance record for three

years, avoid drugs, and do 50 hours of unpaid tutoring or mentoring. He will be starting his tutoring of junior high and middle school students soon.

Please welcome one of the countless young people whose lives we have changed through our commitment to better education, Trevor Mathenia. Trevor, would you please stand?

HIGHER EDUCATION

Trevor certainly recognizes that people entering the workforce today need more than a high school diploma. At least 89 percent of all new jobs require some type of education beyond high school.

But cost is often a barrier to acquiring that education and training. I want to make two years of higher education more affordable and accessible for all Missourians. That is why I am proposing what I call Challenge Scholarships.

Under my proposal, we will phase in a tax credit of up to \$1,500 a year to help pay tuition for every Missourian who wants two more years of education beyond high school. It is imperative that we make two years of education beyond high school commonplace. There is no better preparation we can make for our children's future.

So I ask you to help me make a 13th and 14th year of education a goal for all Missourians by approving my Challenge Scholarship program. This is just one more new opportunity we must take to build the high-skilled workforce of a new century.

LITERACY

One of the biggest impediments to achieving that goal is illiteracy. Reading unlocks so many doors. I cannot imagine anything more agonizing than living outside those doors--the wonders inside forever hidden from view.

Yet authorities tell us that one of the main reasons one million Missouri adults do not have a high school diploma is because they are functionally illiterate. Therefore, I am recommending we expand our efforts for adult literacy.

We will also be targeting the literacy of the next generation as well. Students who are poor readers in the early grades are much more likely to perform poorly in school and, eventually, drop out of school entirely. So I am recommending a greater effort to catch children at an early age who are at risk of reading failure.

We will train teachers from all across Missouri about intensive reading strategies. They can then return to their school districts to teach at-risk students and to train other teachers in the area.

As literacy efforts spread to all parts of our state, we can free Missourians who have been imprisoned by their inability to read--free them for better jobs and more opportunities.

Literacy brings access to knowledge that is essential in the electronic age. Students today can go anywhere and learn about anything with a few clicks of a computer mouse. So books are no longer the only key to success. It's the keyboard as well.

Our students must also be computer literate before they enter a world of work where windows and web sites are a way of life.

Since I first became governor, I have pushed to bring computers into all Missouri schools--kindergarten through college. I believe just as strongly about giving our students the advantage of the latest technology today as I did four years ago. That is why I am recommending that we nearly triple our on-going investment in computers for schools this year.

As I stated in my inaugural address, I would like to see us reach the goal of making every Missouri youngster computer literate by age 12. However, in doing that, we must make certain our students can have access to the Information Superhighway--that vast encyclopedia of knowledge.

The Information Superhighway is so popular today that many people can't even get on, let alone maneuver through all the traffic. My recommendations this year include widening the on-ramps and adding a new lane so Missouri students can get on the Information Superhighway and travel more rapidly to the places they need to go.

I believe bringing the world to our students electronically will prepare them to enter the real world as adults.

SCHOOL SAFETY

Making certain our students can travel on the Information Superhighway is not our only school transportation concern this session. We want to make certain our children are safely transported on school buses throughout Missouri.

Since last year, our Safe Schools Initiative has been working to make classrooms, hallways, and school yards safe. This legislative session, I want to take an additional step to safeguard the lives of children who ride school buses. In general, our school buses have an excellent record of safety. But even with safety mirrors, a bus with a high front grill creates a blind spot for the driver when small children pass directly in front of the vehicle.

I want to help reduce that danger by requiring that all conventional school buses be equipped with crossing control arms. These control arms are rods that stretch 10 feet from the front of the vehicle to keep students from crossing directly in front of the bus. At least 28 states have already approved the use of these devices. We will be offering one-time grants to school districts to help absorb the installation cost of the arms. Our timetable is to have all buses equipped in time for the start of school in the fall of 1998. I want to ensure that when Missouri schoolchildren are leaving a school bus, they are stepping into safety--not harm's way.

HEALTH

Protecting our children has always been a major priority of mine since I became governor. One area we have really concentrated on this past year is getting our youngest children immunized.

With your help, my plan to remove financial barriers to immunization, make it easier to receive them, and educate our citizens about the need for protection is working wonders.

Today we have with us one of our immunization success stories--LaTasha Winters of Kansas City and her 13-month-old twin daughters. I heard from LaTasha as a part of our immunization effort last year after Jean and I sent a congratulatory card to her on the birth of her twins.

These congratulatory cards, which we have been sending in partnership with Hallmark Cards, contain a detachable immunization record so parents can keep track of their children's immunizations. We have found them to be quite an effective tool in helping us raise parent awareness about the importance of immunizations.

LaTasha wrote to tell me what a good idea those cards were, and since then she has been keeping the twins current with all their immunizations. She is entered into a Kansas City-area computer listing so her health care provider can remind her when the twins need to be immunized.

She takes her children to a clinic affiliated with Children's Mercy Hospital, and her babies receive their immunizations free of charge. While she is here, we want to commend LaTasha on the steps she has been taking to make her own life better.

She has been studying to become a certified nursing assistant through Job Corps. While she's at school, her grandmother watches the twins.

And just yesterday, she took her high school equivalency test. Here is a woman that is completely devoted to protecting her children's health and continuing her own education so she can provide for those twins as they grow up. It is a pleasure for me to recognize LaTasha Winters and her twins.

LaTasha, would you please stand?

Thanks to stories such as the Winters twins, Missouri was able to reach its goal last September of having 75 percent of all Missouri two-year-olds immunized.

Another part of our responsibility as parents in keeping our children healthy is ensuring safe, quality daycare. This year we will be intensifying our efforts to provide quality inspections of daycare centers.

We will further increase our commitment to daycare by making certain this essential service is available for parents who need it. We will also be doing more to link daycare with educational opportunities.

With an approach called Educare, we are making day care a more meaningful educational experience for young children. By bringing home daycare providers and teachers together through Educare, children are receiving the early childhood skills they need to succeed in school when they get older.

We want all Missouri children to get a good start--in a secure home, free from harm, and in a healthy environment that encourages early childhood learning.

CRIME

However, without solid law enforcement in Missouri, all of these bright opportunities could be overshadowed by crime in our cities and neighborhoods.

Since I took office, Missouri has built a national reputation for fighting crime--longer sentences, tougher penalties for violent juveniles, and increased penalties for sexual predators. We have also given our law enforcement officers more tools and training so they can keep Missourians safe.

A shining example of this is Shelley Jones, a peace officer with the Columbia Police Department. Shelley was shot with a 12 gauge shotgun during the course of an arrest. Yet she not only survived, but was able to return fire and assist in the subsequent investigation leading to the arrest and conviction of the suspect.

She attributes her survival and her role in the ultimate arrest to the increased training she received, such as the training we approved for all police officers in 1993 and the continuing training requirements we put into law in 1994.

Let me introduce you to this courageous officer who put her life on the line--Officer Shelley Jones.

Shelley, would you please stand so we can acknowledge the great job you do for the people of Columbia?

We owe it to the men and women of law enforcement like Shelley to properly train and equip them. And thanks to our efforts, they are receiving that training and equipment. Tough new laws and better law enforcement are paying off for all of us.

However, if we are to make certain that dangerous and violent criminals are not released early...if these menaces to society are to be kept away from our children, off the streets, and far from our schools... we must have the prison space to house them.

It is necessary to build two more prisons and expand others to ensure violent criminals are kept behind bars where they belong.

TRANSPORTATION

I will also be looking forward to the completion of the work of our Total Transportation Commission. Clearly, effective transportation is critical to Missouri's economic vitality.

Our commission is reviewing all of our transportation needs as well as how we can best build and maintain a system of transportation for the next century. I want to commend the commission for their work to date. We will receive their recommendations later this year.

CONCLUSION

Once more, it is time for us to roll up our sleeves and begin the work which lies ahead. But as I begin this second term, I feel a larger responsibility than ever before because I will be the last governor of this century and the first governor of the next.

That distinction holds with it an obligation to lead our state in a manner that can bring one hundred years of accomplishments to a climactic close. But it also summons us to prepare for a new era. I have no doubt that together we can achieve both goals. The future begs for our best.

So I will be looking forward to working with you in the days ahead to do what's right for Missouri. But before we go to work, I'd like to ask you to do one thing for me. On your desk is an envelope. Would you please join me and pick yours up. In your hand, you now hold a life. Just like the lives you met today here in this chamber. Because in that envelope on a piece of paper is a story. The story of a single mom who has successfully left our welfare system to support herself and her kids. Or a child who now has new opportunities because of what we have done for education. Or a businessman or woman who is succeeding because we were there to help find and train the people needed to get the job done.

Every story is different. Every story is true. But one theme runs through them all. These are all Missourians who are successful because you helped write their stories...with your courage...your vision...and your passionate belief that we can make a difference. Don't lose those qualities. Read your story. You might even think about putting it away as a reminder.

So on those days when the meetings and the paperwork close in on you, you can read it again and keep your focus on why we're really here. Right now, these two hundred people are going about their business, and they are not thinking about you. But I hope you're thinking about them. For they are living better lives and have a brighter future because you are here for them.

In the words of the apostle Paul: "Let us not be weary in well-doing. For in due season we shall reap if we faint not."

Let those of us in this chamber be strong in that resolve. Let us close out this century in a blazing sunset of achievement the like of which our state has never seen before...confident that together, and with God's blessing, our best days are yet to come.

On motion of Senator Quick, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Wiggins.

Senator Quick announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

CONCURRENT RESOLUTIONS

Senator Lybyer moved that **SCR 3** be taken up for adoption, which motion prevailed.

Senator Lybyer moved that **SCR 3** be adopted.

At the request of Senator Lybyer, the motion to adopt **SCR 3** was withdrawn.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 279--By Mathewson.

An Act to repeal sections 327.011, 327.031, 327.051, 327.075, 327.091, 327.101, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261, 327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.361, 327.371, 327.381, 327.391, 327.411, 327.421, 327.441, 327.451, and 327.461, RSMo 1994, and sections 327.041 and 327.401, RSMo Supp. 1996, relating to architects, professional engineers and professional land surveyors, and to enact in lieu thereof forty-six new sections relating to the same subject, with penalty provisions.

SB 280--By Clay.

An Act to repeal sections 375.001, 375.003, 375.004, 375.936 and 375.938, RSMo 1994, relating to unfair discrimination in insurance, and to enact in lieu thereof five new sections relating to the same subject.

SB 281--By Clay.

An Act to amend chapter 217, RSMo, by adding four new sections relating to the task force for children of incarcerated parents.

On motion of Senator Quick, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 282--By Scott.

An Act to repeal sections 86.260 and 86.267, RSMo 1994, and sections 86.253 and 86.256, RSMo Supp. 1996, relating to the police retirement system of St. Louis, and to enact in lieu thereof four new sections relating to the same subject.

SB 283--By Wiggins, Klarich, House, Rohrbach, Childers, Ehlmann, Kinder, Flotron, Schneider, Graves, Scott, Westfall, Kenney, Mueller, Russell, McKenna and DePasco.

An Act to repeal sections 188.025 and 188.080, RSMo 1994, relating to abortions, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions and an effective date.

SB 284--By McKenna, Quick, Ehlmann, Klarich, Flotron, Howard, Scott, Johnson, Jacob, Yeckel, Russell, Lybyer, Singleton, Mueller, Childers, Curls, Westfall, Kinder, Schneider, Mathewson, Clay, Bentley, Staples, Maxwell, Kenney, Wiggins, Banks, Goode, House, Graves, Sims and DePasco.

An Act to amend chapter 536, RSMo, by adding thereto one new section relating to rulemaking.

SB 285--By McKenna, Staples, Bentley, Childers, Klarich, House, Clay, Curls, Banks, Howard, Wiggins, Sims, DePasco and Yeckel.

An Act to repeal section 143.183, RSMo 1994, relating to state income tax revenues from certain nonresidents, and to enact in lieu thereof one new section relating to the same subject.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 141--Corrections and General Laws.

SB 147--Commerce and Environment.

SB 201--Elections, Pensions and Veterans' Affairs.

SB 202--Public Health and Welfare.

SB 203--Civil and Criminal Jurisprudence.

SB 204--Commerce and Environment.

SB 205--Civil and Criminal Jurisprudence.

SB 206--Transportation.

SB 207--Local Government and Economic Development.

SB 208--Elections, Pensions and Veterans' Affairs.

SB 209--Financial and Governmental Organization.

SB 210--Insurance and Housing.

SB 211--Transportation.

SB 212--Ways and Means.

SB 213--Civil and Criminal Jurisprudence.

SB 214--Aging, Families and Mental Health.

SB 215--Civil and Criminal Jurisprudence.

SB 216--Agriculture, Conservation, Parks and Tourism.

SB 217--Transportation.

SB 218--Corrections and General Laws.

SB 219--Ways and Means.

SB 220--Corrections and General Laws.

SB 221--Civil and Criminal Jurisprudence.

SB 222--Elections, Pensions and Veterans' Affairs.

SB 223--Aging, Families and Mental Health.

SB 224--Civil and Criminal Jurisprudence.

SB 225--Aging, Families and Mental Health.

SB 226--Local Government and Economic Development.

SB 228--Local Government and Economic Development.

SB 229--Education.

SB 230--Elections, Pensions and Veterans' Affairs.

SB 231--Commerce and Environment.

SB 232--Local Government and Economic Development.

SB 233--Education.

SB 234--Public Health and Welfare.

SB 235--Civil and Criminal Jurisprudence.

SB 236--Civil and Criminal Jurisprudence.

SB 237--Agriculture, Conservation, Parks and Tourism.

SB 238--Civil and Criminal Jurisprudence.

SB 239--Ethics.

SB 240--Appropriations.

SB 241--Transportation.

SB 242--Education.

SB 243--Judiciary.

SB 244--Civil and Criminal Jurisprudence.

SB 245--Commerce and Environment.

SB 246--Aging, Families and Mental Health.

SB 247--Ways and Means.

SB 248--Judiciary.

SB 249--Judiciary.

SB 250--Insurance and Housing.

SB 251--Civil and Criminal Jurisprudence.

SB 252--Civil and Criminal Jurisprudence.

SB 253--Public Health and Welfare.

SB 254--Ways and Means.

SB 255--Elections, Pensions and Veterans' Affairs.

SB 256--Education.

SB 257--Elections, Pensions and Veterans' Affairs.

SB 258--Local Government and Economic Development.

SB 259--Financial and Governmental Organization.

SB 260--Corrections and General Laws.

INTRODUCTION OF BILLS

The following Bill and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 286--By Schneider, McKenna, Scott, Quick, Wiggins and Howard.

An Act relating to the compensation of elected officials, with a contingent effective date.

SJR 8--By Schneider, McKenna, Scott, Quick, Wiggins and Howard.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri Citizens Commission on the Compensation for Elected Officials, and adopting one new section in lieu thereof relating to the same subject.

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Deborah Weems, M.D., Columbia.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TENTH DAY--THURSDAY, JANUARY 23, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, You brought us into a world of diversity in nature, in government and in people. We have difficulty bringing all of this together for good. Help us to use all of our resources, both natural and human, to benefit every person. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Mathewson assumed the Chair.

Senator Quick announced that photographers from KRCG-TV and KOMU-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 54, regarding Brandon R. Tenney, Chesterfield, which was adopted.

Senator Flotron offered Senate Resolution No. 55, regarding Michael "Brandon" Koplin, Ballwin, which was adopted.

Senator Caskey offered Senate Resolution No. 56, regarding Lillian Irene Querry Lent, Hume, which was adopted.

Senator Caskey offered Senate Resolution No. 57, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Grimes, which was adopted.

Senator Kenney offered Senate Resolution No. 58, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Francis L. McClure, Independence, which was adopted.

Senator Quick offered Senate Resolution No. 59, regarding Harold G. Townsend, Jr., which was adopted.

Senator Quick offered Senate Resolution No. 60, regarding the Sixty- fifth Wedding Anniversary of Mr. and Mrs. Elston Stout, Kansas City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Lybyer moved that **SCR 3** be taken up for adoption, which motion prevailed.

Senator Lybyer moved that **SCR 3** be adopted.

Senator Scott assumed the Chair.

Senator Staples assumed the Chair.

Senator McKenna offered **SS** for **SCR 3**:

SENATE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 3

WHEREAS, on November 8, 1994, the voters of Missouri adopted an amendment to the Missouri constitution, codified therein as section 3 of article XIII; and

WHEREAS, section 3 of article XIII provides that the compensation of statewide elected officials, members of the general assembly and certain members of the judiciary is to be set by the Missouri citizens commission on compensation for elected officials after a review and study of the relationship of the compensation of such officials to the duties of such officials; and

WHEREAS, the section 3 of article XIII provides that the purpose of the commission is **to ensure that the power to control the rate of compensation of elected officials of this state is retained and exercised by the tax paying citizens of this state** rather than by the general assembly; and

WHEREAS, in order to fulfill this purpose, the constitution provides that affected public officials shall not receive compensation for the performance of their duties, including salaries, mileage allowances or per diem expense allowances, **"other than in the amount established for each office by the Missouri Citizens Commission on Compensation for Elected Officials** , and that until July 1, 1997, the only compensation payable to the affected public officials shall be that in effect on the effective date of the amendment to the constitution denominated as article XIII, section 3; and

WHEREAS, the commission filed its report and schedule of compensation with the secretary of state and the revisor of statutes prior to December 1, 1996, as required by the constitution; and

WHEREAS, section 3 of article XIII provides that the schedule shall become effective on July 1, 1997, unless disapproved by concurrent resolution adopted by the general assembly prior to February 1, 1997; and

WHEREAS, section 3 of article XIII provides that implementation of the schedule of compensation, even after its adoption, is **"subject to appropriation** by the general assembly; and

WHEREAS, section 3 of article XIII leaves full or partial funding of the recommendations of the commission to the discretion of the general assembly; and

WHEREAS, the attorney general has opined to the members of the general assembly that **If the General Assembly appropriates less money for the compensation of officials than the compensation shown in the Compensation Schedule prepared by the Missouri Citizens Commission on Compensation for Elected Officials , those officials are to be paid the lesser amount appropriated by the General Assembly rather than the amount shown in the Compensation Schedule.** (Attorney General's Opinion No. 91-97, January 20, 1997); and

WHEREAS, the per diem allowance of thirty-five dollars per day has not been changed for twenty years and is inadequate to provide for expenses of members of the general assembly for lodging and meals while in session; and

WHEREAS, certain positions of leadership within the general assembly involve duties additional to those provided by law for other members of the general assembly, including presiding over the respective houses of the general assembly, administration of each respective house, representation of the viewpoint of groups of legislators in determining policy of each house, coordination of the proceedings of each house, and presiding and coordinating the consideration of the proposed state budget in the general assembly; and

WHEREAS, the per diem reimbursement for actual and necessary expenses incurred during meetings of the Missouri judicial conference, which requires mandatory attendance by Missouri judges, has been historically the same amount as that provided for members of the general assembly; and

WHEREAS, the chief justice of the supreme court has historically received a differential in salary in the amount of two thousand five hundred dollars per year, in compensation for additional administrative duties associated with such position; and

WHEREAS, although Missouri law supports the concept of a part-time legislature which meets approximately five months per year, legislators are frequently called upon to serve on interim committees exploring areas to be addressed in future legislative sessions and are also expected to be available to address constituent needs and problems regarding state government in their home districts; and

WHEREAS, current policies of the federal government have resulted in many governmental functions formerly exercised by the national government being transferred to state governments, including environmental regulation, public assistance, public health care, low income housing programs and special education programs, which have resulted in the need for well-informed legislators who must devote an increasing amount of time resolving problems now confronting state government; and

WHEREAS, the plain language of section 3 of article XIII suggests that if the general assembly adopts a concurrent resolution prior to February 1, 1997, disapproving the initial schedule of compensation filed by the commission, any compensation payable for the offices under the jurisdiction of the commission will be eliminated since the constitution states that the only salary payable is **in the amount established for each office by the Missouri Citizens Commission on Compensation for Elected Officials** ; and

WHEREAS, it is in the best interests of the state to avoid ambiguity and potential litigation in association with interpretation of the provisions of section 3 of article XIII of the constitution; and

WHEREAS, the general assembly has considered the 1996 Report and Compensation Schedule (Appendix A) of the Missouri Citizens Commission on Compensation for Elected Officials dated November 30, 1996, and decides that the eighty-ninth general assembly shall fund the recommendations of the commission only to the extent as follows;

NOW, THEREFORE, BE IT RESOLVED by the senate of the first regular session of the eighty-ninth general assembly, the house of representatives concurring therein, that the **maximum amount of compensation to be funded by the eighty-ninth general assembly** pursuant to the report and schedule of compensation filed by the Missouri citizens commission on compensation for elected officials shall be as follows:

1. A per diem allowance for members of the general assembly for each day on which the journal of the senate or house of representatives, respectively, shows the presence of the senator or representative, in the amount indexed to the federal standard for Jefferson City, Missouri, promulgated by the Internal Revenue Service of the Department of Treasury;
2. The base salary for members of the general assembly in the amount as provided for fiscal year 1997;
3. The differential in pay for the positions in leadership within the general assembly shall be as set by law for fiscal year 1997;
4. With respect to statewide elected officials, the base salaries provided the governor, lieutenant governor, secretary of state, state treasurer, state auditor and the attorney general in the amounts as provided for fiscal year 1997;
5. With respect to the judiciary:

(a) The base salaries for judges of the supreme court, court of appeals, circuit courts and associate circuit divisions of the circuit courts in the amounts as provided for fiscal year 1997;

(b) The amount of per diem reimbursement for expenses incurred during meetings of the Missouri judicial conference calculated in the same manner as the amount of per diem is calculated for legislators;

(c) The chief justice of the supreme court shall receive the additional two thousand five hundred dollars as provided for fiscal year 1997 to such position;

6. A mileage allowance for affected public officials indexed to the mileage allowance provided to other state employees for travel associated with the performance of their duties;

BE IT FURTHER RESOLVED that the terms of this resolution are binding on each house of the general assembly adopting this resolution by a majority of its elected members; and that either house after adopting this resolution shall not approve any appropriation pursuant to the report and schedule of compensation in excess of that provided by this resolution; and that in the event that the general assembly approves appropriations in excess of the appropriations necessary to implement the provisions of this resolution, the report and schedule of compensation shall be deemed disapproved as of the date of the adoption of this resolution;

BE IT FURTHER RESOLVED that the secretary of the senate is instructed to inform the governor and the secretary of state of the adoption of this resolution by delivering a properly certified copy of this resolution to such persons upon adoption of this resolution.

Senator McKenna moved that **SS** for **SCR 3** be adopted.

Senator Mathewson resumed the Chair.

Senator Scott offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Concurrent Resolution No. 3, Page 5, Section 1, Lines 10-15 of said page, by striking all of said lines and inserting in lieu thereof the following:

"1. A per diem allowance for members of the general assembly for each day on which the journal of the senate or house of representatives, respectively, shows the presence of the senator or representative, in the amount indexed to eighty percent of the federal standard promulgated by the Internal Revenue Service of the Department of the Treasury, as amended from time to time, but not less than seventy dollars;"

Senator Scott moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Concurrent Resolution No. 3, Page 5, Section 1, Lines 10-15 of said page, by striking all of said lines and inserting in lieu thereof the following:

"1. A per diem allowance for members of the general assembly for each day on which the journal of the senate or house of representatives, respectively, shows the presence of the senator or representative, in the amount indexed to eighty percent of the federal standard for Jefferson City, Missouri promulgated by the Internal Revenue Service of the Department of the Treasury, as amended from time to time, but not less than seventy dollars. Any increase in the per diem contained herein shall not become effective until the general assembly enacts lobbyist reform legislation containing restrictions at least equal to those restrictions contained in the Rules of the Senate for the 89th Session of the General Assembly;"

Senator Klarich moved that the above substitute amendment be adopted.

Senator Flotron offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Concurrent Resolution No. 3, Page 1, Line 11, by adding the beginning of the line the following: "both houses of"; and further amend said resolution by striking "reform legislation" and insert in lieu thereof the following "gift rules"; and further amend said resolution, line 12, by adding after the word "in", the following "rule 102 of".

Senator Flotron moved that the above amendment be adopted.

Senator Quick requested a roll call vote be taken on the adoption of **SA 1** to **SSA 1** for **SA 1** and was joined in his request by Senators Howard, Klarich, Rohrbach and Russell.

SA 1 to **SSA 1** for **SA 1** was adopted by the following vote:

Yeas--Senators

Bentley	Clay	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	McKenna	Quick	Rohrbach
Russell	Schneider	Scott	Staples
Westfall	Wiggins	Yeckel--27	

Nays--Senators

Caskey	Childers	Maxwell	Singleton--4
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Absent--Senators--None

Absent with leave--Senators

Banks	Mueller	Sims--3
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Senator Klarich moved that **SSA 1** for **SA 1**, as amended, be adopted.

Senator Quick requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1**, as amended, and was joined in his request by Senators Schneider, Scott, Singleton and Staples.

SSA 1 for **SA 1**, as amended, was adopted by the following vote:

Yeas--Senators

Bentley	Clay	Curls	DePasco
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Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Kenney
Kinder	Klarich	Mathewson	McKenna
Quick	Rohrbach	Russell	Schneider
Scott	Staples	Wiggins	Yeckel--24

Nays--Senators

Caskey	Childers	Johnson	Lybyer
Maxwell	Singleton	Westfall--7	

Absent--Senators--None

Absent with leave--Senators

Banks	Mueller	Sims--3
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Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Concurrent Resolution No. 3, Pages 5-6, Lines 26-27 of page 5 and Lines 1 and 2 of Page 6, by striking all of said lines and inserting in lieu thereof the following:

"(a) The base salaries for judges of the supreme court, court of appeals, circuit courts and the associate circuit divisions of the circuit courts, be increased by twenty-five percent of the increases recommended by the commission for each of fiscal years 1998 and 1999, so that increases be made in the base salaries in the following percentages on the following dates:

For judges of the supreme court:

Beginning July 1, 1997 3.4%

Beginning July 1, 1998 3.3%;

For judges of the court of appeals:

Beginning July 1, 1997 3.4%

Beginning July 1, 1998 3.3%;

For judges of the circuit courts:

Beginning July 1, 1997 3.7%

Beginning July 1, 1998 3.6%;

For judges of the associate circuit divisions of the circuit courts:

Beginning July 1, 1997 5.7%

Beginning July 1, 1998 5.4%;".

Senator Caskey moved that the above amendment be adopted.

Senator Staples resumed the Chair.

Senator Lybyer offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Concurrent Resolution No. 3, Page 1, Line 5 of said amendment, by inserting immediately after the word "increased" the words ", subject to appropriation,".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson resumed the Chair.

SA 2, as amended, was again taken up.

At the request of Senator Lybyer, the motion to adopt **SCR 3** was withdrawn, placing **SCR 3**, with **SS** for **SCR 3** and **SA 2**, as amended, back on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 287--By House.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the challenge scholarship program for higher education, with penalty provisions.

SB 288--By Rohrbach.

An Act to repeal section 304.050, RSMo 1994, relating to loading and unloading of school buses on certain highways, and to enact in lieu thereof one new section relating to the same subject.

SB 289--By Goode.

An Act to amend chapter 386, RSMo, by adding one new section relating to the metropolitan sewer district.

RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 61

WHEREAS, it is with genuine sadness that the members of the Missouri Senate pause to pay their final respects to an exceptionally dedicated leader in this state whose life had been characterized by his unparalleled record of service to his fellow citizens; and

WHEREAS, retired Kansas City Police Lieutenant Colonel C. Don Bishop passed to his eternal reward on January 19, 1997, leaving many loving family members, friends, and fellow officers to mourn his passing; and

WHEREAS, a lifelong Kansas City area resident, Don Bishop distinguished himself through his valiant service to our country as a soldier in the United States Army during World War II, and he continued his illustrious record of military service as a member in the U.S. Army Reserves for twenty-nine years, retiring with the rank of Lieutenant Colonel; and

WHEREAS, Don Bishop had maintained a longtime commitment to the welfare of his fellow citizens, one that was clearly evident in his thirty years of service with the Kansas City Police Department from 1939 to 1969, during which time he aptly demonstrated his leadership ability while advancing through all the ranks within the Department and fulfilling the duties of such important positions as Commander of the Detective Division, Uniformed Forces, and Director of Public Information and Human Relations; and

WHEREAS, a valued member of the Association of Retired Police Employees, the Retired Officers Association, and the International Association of Chiefs of Police, Lieutenant Colonel Bishop made many important contributions to improve the quality of life in his community not only as a professional, but also as a charter member of the VFW Police Memorial Post 9762 and the Richards-Gebaur Air Base Community Council; member of the Salvation Army Bellringer Advisory Council and the St. Joseph Hospital-Health Center Advisory Council; Committee Chairman for the Westerners District of the Kansas City Area Council, Boy Scouts of America; charter member of St. Thomas More Catholic Church; member of the Bishop Hogan Council and the 4th Degree Knights of Columbus; longtime member of the Greater Kansas City Area Safety Council, where he served as Chairman of the Executive Committee; and as a member of numerous other civic organizations:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, hereby extend our most heartfelt condolences to his wife of fifty-three years, Nora E. Bishop; to his children, Richard, David, and Diane; and to his six grandchildren and three great-grandchildren at this most difficult period of sorrow and loss;

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mrs. Nora E. Bishop.

Senator Bentley offered Senate Resolution No. 62, regarding the One Hundred Seventh Birthday of Mrs. Edith C. Finley, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 63, regarding J. D. Dickinson Compressor, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 64, regarding Gold Minds, Inc., Springfield, which was adopted.

Senator Goode offered Senate Resolution No. 65, regarding Patricia "Pat" Mehegan, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Victoria L. Noteis, as a member of the Missouri Board for Architects, Professional Engineers, and Land Surveyors;

Also,

Elaine F. Speilbusch, as a member of the Missouri Ethics Commission;

Also,

Mark E. Terry and Diana G. Fendya, as members of the State Advisory Council on Emergency Medical Services;

Also,

Patti A. Penny, Chairman, and Orland L. Ellisas, as members of the Missouri Training and Employment Council;

Also,

Earl Wilson, Jr. and Jeanie Geneva M. Moore, as members of the Lincoln University Board of Curators;

Also,

J. Darlene Lee, as a member and John H. Teale, D.C., as public member of the State Board of Cosmetology;

Also,

Patricia Lou Ellen Shell and Thomas M. Butler, as public members of State Board of Geologists Registration;

Also,

Carolyn A. Hulbert, as a member of the Personnel Advisory Board;

Also,

Barbara B. Smith, as a member of the Child Abuse and Neglect Review Board;

Also,

William L. Farr, Jr., as a member of the Missouri Fire Education Trust Fund Board of Trustees;

Also,

Nell M. Pollnow and Rose C. Brower, as members of the Missouri Health Facilities Review Committee;

Also,

Shirley M. Horacek, as a member of the Board of Examiners for Hearing Instrument Specialists;

Also,

Nellie S. Clemens and Keith I. Bodenhausen, as members of the Agricultural and Small Business Development Authority;

Also,

Donald L. Gann, as a member of the Missouri Head Injury Advisory Council;

Also,

Jane B. Klieve, as a member of the Missouri Women's Council;

Also,

Lester M. Evans, as a member of the State Milk Board;

Also,

Rosemarie Fischer, as a public member of the State Committee for Professional Counselors;

Also,

Katherine A. Frazier, as a member of the Advisory Council on Emergency Medical Services.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Lybyer introduced to the Senate, the Physician of the Day, Dr. James Shaw, M.D., Hermann.

Senator Howard introduced to the Senate, David Madison and Sherrie Straube, Caruthersville.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, January 27, 1997.

Journal of the Senate

FIRST REGULAR SESSION

ELEVENTH DAY--MONDAY, JANUARY 27, 1997

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

Senator Maxwell offered the following prayer:

Our Dear and most Gracious Heavenly Father. We humble ourselves and our lives to Your almighty power. Those of us who found ourselves traveling our beautiful highways today firsthand witnessed both Your splendor and Your power as You have transformed our world into a winter wonderland. We thank You for the hand of safety You provided us in bringing us safely here today. We further ask You, Oh Lord, to provide safety to those who are traveling today. We as Your servants and as the servants of the citizens of this great state ask for Your guidance as we proceed with our duties set before us. As we now begin our legislative week and year, may we always remember that all things are possible through You. And as your servant Solomon did pray before us, we too pray for the wisdom You hold. Please help us to pray in Your name and not in our own. These things in Jesus Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 23, 1997, was read and approved.

Senator Quick announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Jacob--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 66, regarding the Cass-Midway High School Championship Football Squad, which was adopted.

Senator Graves offered Senate Resolution No. 67, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe Grace, Albany, which was adopted.

Senator Mathewson offered Senate Resolution No. 68, regarding the Sacred Heart School, Sedalia, which was adopted.

Senator Graves offered Senate Resolution No. 69, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Walter Nicholson, Hopkins, which was adopted.

Senator Graves offered Senate Resolution No. 70, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Clyde Lightfoot, Hale, which was adopted.

Senator Graves offered Senate Resolution No. 71, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Delbert Beeman, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 72, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Corder, Lancaster, which was adopted.

Senator Flotron offered Senate Resolution No. 73, regarding the Beauty Outlet, Manchester, which was adopted.

Senator Flotron offered Senate Resolution No. 74, regarding Mr. Weston "Wes" Willman, Bridgeton, which was adopted.

Senator Wiggins offered Senate Resolution No. 75, regarding the death of Charles Michael "Mike" McKinnie, Kansas City, which was adopted.

Senator Schneider offered Senate Resolution No. 76, regarding Adam J. Niedringhaus, St. Louis, which was adopted.

Senator Howard offered Senate Resolution No. 77, regarding C. A. Walker Construction Co., Inc., Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 78, regarding Dexter Community Betterment, which was adopted.

Senator Howard offered Senate Resolution No. 79, regarding Delores Bailiff, Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 80, regarding Mr. Bud Shell, Dexter, which was adopted.

CONCURRENT RESOLUTIONS

Senator Lybyer moved that **SCR 3**, with **SS** and **SA 2** (pending), be taken up for adoption, which motion prevailed.

President Wilson assumed the Chair.

Senator Mathewson resumed the Chair.

SA 2 was again taken up.

Senator Caskey moved that the above amendment be adopted and requested a standing division vote be taken. He was joined in his request by Senators Clay and Klarich.

SA 2 failed of adoption on a standing division vote.

SS for **SCR 3**, as amended, was again taken up.

At the request of Senator McKenna, **SS** for **SCR 3**, as amended, was withdrawn.

On motion of Senator Lybyer, **SCR 3** was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Goode	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--25

Nays--Senators

Clay	Curls	McKenna--3
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Absent--Senators--None

Absent with leave--Senators

Banks	Flotron	Graves	Jacob
Mueller	Schneider--6		

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 290--By Caskey.

An Act to repeal section 362.915, RSMo 1994, relating to bank holding companies, and to enact in lieu thereof one new section relating to the same subject.

SB 291--By Scott.

An Act to repeal sections 339.503, 339.505, 339.507, 339.511, 339.515, 339.517, 339.519, 339.523, 339.525, 339.529, 339.532 and 339.545, RSMo 1994, relating to real estate appraisers and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

SB 292--By Maxwell.

An Act to repeal sections 413.225 and 413.227, RSMo 1994, relating to regulation of weights and measures, and to enact in lieu thereof two new sections relating to the same subject.

SB 293--By Maxwell.

An Act to repeal section 208.010, RSMo 1994, and to enact in lieu thereof one new section relating to certain preneed funeral contracts.

SB 294--By Westfall and Maxwell.

An Act to repeal sections 137.035, 144.021, 144.440, 144.700, 144.701, 151.140, 151.160, 163.022, 163.023, 163.032, 164.013, 164.021, 164.031, 164.041, 164.071 and 177.088, RSMo 1994, and sections 137.073, 144.020, 151.150, 163.011, 163.021, 163.031, 163.087, 164.011 and 165.011, RSMo Supp. 1996, relating to funding for public schools, and to enact in lieu thereof seventeen new sections relating to the same subject, with a referendum clause.

SB 295--By Westfall.

An Act to amend chapter 407, RSMo, by adding thereto fourteen new sections relating to massage businesses, with penalty provisions.

SB 296--By House and Ehlmann.

An Act to amend chapter 610, RSMo, by adding thereto one new section relating to the information network of Missouri.

SB 297--By Klarich.

An Act to amend chapter 427, by adding thereto fifteen new sections relating to collateral protection, with an effective date.

SB 298--By DePasco.

An Act to repeal sections 86.387, 86.447, 86.450, 86.453, 86.457, 86.463, 86.467, 86.620, 86.650 and 86.670, RSMo 1994, and sections 86.370, 86.430, 86.600, 86.630 and 86.672, RSMo Supp. 1996, relating to certain police retirement systems, and to enact in lieu thereof fifteen new sections relating to the same subject.

SB 299--By Lybyer.

An Act to repeal sections 21.145 and 476.380, RSMo 1994, relating to reimbursement for expenses, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

SB 300--By Lybyer, Kinder, Ehlmann, Childers, Bentley, Scott, DePasco, Westfall and Kenney.

An Act to amend chapter 508, RSMo, by adding thereto one new section for the purpose of requiring the courts of this state to apply the doctrine of forum non conveniens in civil cases.

SB 301--By Lybyer and McKenna.

An Act to repeal sections 142.009, 142.010, 142.020, 142.030, 142.040, 142.050, 142.060, 142.070, 142.080, 142.090, 142.100, 142.110, 142.120, 142.130, 142.140, 142.150, 142.160, 142.165, 142.166, 142.170, 142.180, 142.200, 142.210, 142.220, 142.230, 142.240, 142.250, 142.260, 142.270, 142.280, 142.290, 142.295, 142.300, 142.330, 142.340, 142.350, 142.362, 142.364, 142.366, 142.372, 142.374, 142.403, 142.404, 142.406, 142.412, 142.422, 142.432, 142.442, 142.452, 142.462, 142.466, 142.472, 142.482, 142.492, 142.511, 142.513, 142.515, 142.517, 142.521, 142.531, 142.541, 142.551, 142.561, 142.563, 142.571, 142.573, 142.575, 142.577, 142.579, 142.583, 142.584, 142.591, 142.611, 142.617 and 142.621, RSMo 1994, relating to the collection of motor fuel taxes, and to enact in lieu thereof fifty-five new sections relating to the same subject, with penalty provisions.

SB 302--By Quick.

An Act to repeal section 575.110, RSMo 1994, relating to tampering with a public record, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 303--By Quick.

An Act to repeal sections 238.202, 238.207, 238.210, 238.212, 238.215, 238.220, 238.227, 238.230, 238.232, 238.235, 238.237 and 238.240, RSMo 1994, relating to transportation development districts, and to enact in lieu thereof thirteen new sections relating to the same subject.

SB 304--By Quick.

An Act to repeal sections 362.471, 362.610, 400.3-118, 400.4-111 and 427.041, RSMo 1994, and sections 304.155 and 362.077, RSMo Supp. 1996, relating to certain banking transactions, and to enact in lieu thereof ten new sections relating to the same subject.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

MISSOURI SENATE

January 23, 1997

Senator Jerry T. Howard

State Capitol Building Room 428A

Jefferson City, MO 65101

Dear Jerry,

Please be advised that I have appointed you as a member of the Missouri Seismic Safety Commission (Chapter 44.227, RSMo 1994).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

MISSOURI SENATE

January 27, 1997

The Honorable Joe Maxwell

Missouri State Senate

Capitol Building, Room 219

Jefferson City, MO 65101

Dear Joe:

Please be informed that as a member of the Joint Committee on Administrative Rules, I am appointing you chairman of the Senate members of this committee. This year the house members will select the chairman of the full committee, which means you will be the vice chairman. This, of course, is subject to a vote of the full committee.

This committee may be dealing with some heavy legal issues as a result of the court ruling. I feel that it is important to have members who have all chaired this committee representing our body. Your legal background should add to our mix.

If you have any questions, or if I can be of any assistance, please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Missouri Senate

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, John Cook, Cape Girardeau.

Senator Johnson introduced to the Senate, ninety-nine seventh grade students from Truman Middle School, St. Joseph.

Senator Howard introduced to the Senate, members of the Pemiscot Port Authority, Steve Watkins, Hayti; Bob Robins, Cape Girardeau; Tom Stevens, St. Louis; and Earl Bullington, Councilman Johnny Harmon, Dusty Grooms and Dwayne Michie, Caruthersville.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWELFTH DAY--TUESDAY, JANUARY 28, 1997

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

Senator Rohrbach offered the following prayer:

Our Heavenly Father, guide us today as we attempt to avoid the slippery patches outside and give us the patience to go slowly and safely and to look out for our fellow travelers. Also, Father, help us to avoid the slippery slopes within this chamber and in our committee deliberations today as we debate how to allocate the state's resources most wisely. Help us to think clearly and to vote accordingly. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

President Wilson assumed the Chair.

Senator Quick announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

Senator Wiggins resumed the Chair.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 81, regarding Warrensburg Hydraulics, Warrensburg, which was adopted.

Senator Graves offered Senate Resolution No. 82, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. AJ Robertson, Allendale, which was adopted.

Senator Graves offered Senate Resolution No. 83, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ralph Kemerling, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 84, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vernon Rogers, Maysville, which was adopted.

Senator Graves offered Senate Resolution No. 85, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Sam Cleeton, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 86, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Dixon, St. Joseph, which was adopted.

Senator Graves offered Senate Resolution No. 87, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eugene Drehle, Norborne, which was adopted.

Senator Graves offered Senate Resolution No. 88, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lawrence Dayton, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 89, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lloyd Morrow, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 90, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Foster, Green City, which was adopted.

Senator Graves offered Senate Resolution No. 91, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harmon Rooks, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 92, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Albert Campbell, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 93, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vernon Patterson, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 94, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale True, Milan, which was adopted.

Senator Graves offered Senate Resolution No. 95, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Morrison, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 96, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ray Rainbolt, El Dorado Springs, which was adopted.

Senator Graves offered Senate Resolution No. 97, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Henry Mason, Norborne, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 305--By Westfall.

An Act to amend chapter 304, RSMo, by adding one new section relating to the operation of certain motor vehicles, with penalty provisions.

SB 306--By McKenna.

An Act to repeal section 537.610, RSMo 1994, relating to sovereign immunity, and to enact in lieu thereof one new section relating to the same subject.

CONCURRENT RESOLUTIONS

Senator DePasco offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 17

WHEREAS, the State Veterans' Homes were founded for Civil War Veterans in the late 1800's and have served veterans for over one hundred years; and

WHEREAS, under the provisions of Title 38, United States Code, the Veterans' Administration is authorized to make aid payments to states maintaining State Veterans' Homes subject to the provisions of the Code of Federal Regulations, 38 CFR 18.1 through 18.3; and

WHEREAS, there are eighty-seven State Veterans' Home Care Facilities in forty-two states throughout the United States with more being added annually; and

WHEREAS, the State Veterans' Home Program has proven to be a cost-effective provider of quality care services to the nation's veterans who require domiciliary, nursing home, and hospital care; and

WHEREAS, the Veterans' Administration promotes the care and treatment of veterans in State Veterans' Homes as a means to attain the goal of developing and maintaining the highest possible quality of patient care for eligible veterans; and

WHEREAS, Title 38, United States Code, authorizes the Grants for Construction of State Veterans' Homes Program. The State Home Construction Grant Program is funded at sixty-five percent of total cost; and

WHEREAS, the Veterans' Administration has not kept pace with State Veterans' Homes applications for new construction projects. Currently, an unfunded balance of over two hundred million dollars exists; and

WHEREAS, Title 38, United States Code, authorized per diem payments paid to veterans residing in the State Homes. The State Home Program is recognized as the lowest cost alternative among all nursing care alternatives used by the Veterans' Administration; and

WHEREAS, given the growing long-term health care needs of older veterans, the State Home Program will continue to be a vital health care provider and lowest cost alternative for veterans needing long-term nursing care:

NOW, THEREFORE, BE IT RESOLVED, by the Senate, the House of Representatives concurring therein, that the United States Congress is requested to appropriate the money necessary to fully fund the federal share of State Veterans' Homes construction project requests for the fiscal year 1998. Such funding shall include the two-hundred-bed Veterans' Home to be located in Cameron, Missouri, and the two-hundred-bed Veterans' Home to be located in Warrensburg, Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to be sent to the Missouri Congressional Delegation in Washington, D.C., the State of Missouri American Legion, the Missouri Association of Veterans' Organizations and to the Missouri Veterans' Commission.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 307--By Rohrbach.

An Act to repeal section 67.475, RSMo 1994, and sections 67.455, 67.457, 67.459 and 67.461, RSMo Supp. 1996, relating to neighborhood improvement districts, and to enact in lieu thereof seven new sections relating to the same subject.

SB 308--By Bentley.

An Act to repeal sections 135.015, 135.020 and 135.030, RSMo 1994, and section 135.010, RSMo Supp. 1996, relating to tax relief, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 3**.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

MISSOURI SENATE

January 28, 1997

Senator Danny Staples

State Capitol Building Room 418

Jefferson City, MO 65101

Dear Danny,

Please be informed that as a member of the Joint Committee on Corrections (section 21.440, RSMo 1994), I am appointing you chairman of the senate members of this committee. This year, the senate chairman will serve as chairman of the full committee.

If you have any questions, or if I can be of any assistance, please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, his son, Carlton, Lee's Summit; and Carlton was made an honorary page.

Senator Westfall introduced to the Senate, Paul Wannemacher, Springfield.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTEENTH DAY--WEDNESDAY, JANUARY 29, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Jesus said, "Whosoever will be chief among you, let him be your servant." It isn't always easy to serve with so many choices, so many cries for help, so many worthy causes. Our prayer is that what we do here will benefit all of the people. We are thankful to be servants of the people and of Our God. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **SCR 1** and **SCR 3** would be read at length by the Secretary and, if no objections be made, be signed to the end that they shall have the full force and effect of law. No objections being made, the concurrent resolutions were read by the Secretary and signed by the

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 98, regarding W. R. "Rick" Van Bokkelen, which was adopted.

Senator Singleton offered Senate Resolution No. 99, regarding Tile Source, Joplin, which was adopted.

Senator Klarich offered Senate Resolution No. 100, regarding Perry Boe Akin, St. Louis, which was adopted.

Senator Kenney offered Senate Resolution No. 101, regarding the Fiftieth Anniversary of the Optimist Club of Independence, which was adopted.

Senator Quick offered Senate Resolution No. 102, regarding the Alpine Broadcasting Corporation, Liberty, which was adopted.

Senator Flotron offered Senate Resolution No. 103, regarding M. Taylor Wilson, Manchester, which was adopted.

Senator Howard offered Senate Resolution No. 104, regarding Miss Deanna Lynn Adams, Poplar Bluff, which was adopted.

Senators Wiggins, Sims and Bentley offered Senate Resolution No. 105, regarding Catholic Schools Week, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 309--By Johnson and Scott.

An Act to repeal section 169.712, RSMo 1994, and sections 169.010, 169.040, 169.050, 169.070, 169.075, 169.600, 169.620, 169.630, 169.660 and 169.670, RSMo Supp. 1996, relating to certain school retirement systems, and to enact in lieu thereof eleven new sections relating to the same subject.

SB 310--By Sims.

An Act to repeal section 177.091, RSMo 1994, relating to the sale of school property, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 311--By Jacob.

An Act to repeal section 167.117, RSMo Supp. 1996, relating to student acts reporting requirements, and to enact in lieu thereof one new section relating to the same subject.

SB 312--By DePasco.

An Act to repeal section 567.020, RSMo 1994, relating to prostitution, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 313--By Scott, Schneider, Flotron, Wiggins, Goode, McKenna, Curls, Kinder, DePasco, Rohrbach, Ehlmann, Clay, Banks and Mueller.

An Act to repeal section 370.080, RSMo 1994, relating to membership of credit unions, and to enact in lieu thereof one new section relating to the same subject.

SJR 9--By Staples.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the constitution of Missouri relating to the highways and transportation commission, and adopting two new sections in lieu thereof relating to the same subject.

Senator Wiggins assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Paul W. Steele, John A. Mathes, Hugh Edward Stephenson, Jr. and Malaika B. Horne, as members of the University of Missouri Board of Curators.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Wilson assumed the Chair.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 314--By Caskey.

An Act to repeal section 252.085, RSMo 1994, relating to arrests by commission agents, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Senator Wiggins resumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 173--Corrections and General Laws.

SB 174--Corrections and General Laws.

SB 227--Public Health and Welfare.

SB 261--Financial and Governmental Organization.

SB 262--Public Health and Welfare.

SB 263--Public Health and Welfare.

SB 264--Education.

SB 265--Civil and Criminal Jurisprudence.

SB 266--Labor and Industrial Relations.

SB 267--Agriculture, Conservation, Parks and Tourism.

SB 268--Aging, Families and Mental Health.

SB 269--Financial and Governmental Organization.

SB 270--Labor and Industrial Relations.

SB 271--Judiciary.

SB 272--Public Health and Welfare.

SB 273--Ways and Means.

SB 274--Corrections and General Laws.

SB 275--Judiciary.

SB 276--Education.

SB 277--Education.

SB 278--Local Government and Economic Development.

SB 279--Local Government and Economic Development.

SB 280--Insurance and Housing.

SB 281--Aging, Families and Mental Health.

SB 282--Elections, Pensions and Veterans' Affairs.

SB 283--Public Health and Welfare.

SB 284--Judiciary.

SB 285--Appropriations.

SB 286--Elections, Pensions and Veterans' Affairs.

SB 287--Education.

SB 288--Transportation.

SB 289--Commerce and Environment.

SB 290--Financial and Governmental Organization.

SB 292--Agriculture, Conservation, Parks and Tourism.

SB 293--Public Health and Welfare.

SB 295--Public Health and Welfare.

SB 296--Financial and Governmental Organization.

SB 297--Financial and Governmental Organization.

SB 299--Judiciary.

SJR 8--Elections, Pensions and Veterans' Affairs.

COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following subcommittee:

Subcommittee on Welfare Reform, Public Health and Welfare Committee: Senators Wiggins, Chairman; Curls; Jacob; Maxwell; Bentley; Sims; and Singleton.

CONCURRENT RESOLUTIONS DELIVERED

TO THE GOVERNOR

SCR 1 and **SCR 3**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

MISSOURI SENATE

January 28, 1997

The Honorable Betty Sims

State Capitol Building Room 226

Jefferson City, MO 65101

Dear Betty,

Please be informed that I am appointing you a member of the Joint Committee on Health Care Policy and Planning (Chapter 191.825, RSMo).

If you have any questions, or if I can be of any assistance, please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

MISSOURI SENATE

January 28, 1997

The Honorable Peter Kinder

State Capitol Building, Room 431

Jefferson City, MO 65101

Dear Peter,

Please be informed that I am re-appointing you as a member of the Joint Committee on Health Care Policy and Planning (Chapter 191.825, RSMo).

If you have any questions, or if I can be of any assistance, please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

MISSOURI SENATE

January 28, 1997

The Honorable Senator Harry Wiggins

State Capitol Building, Room 423

Jefferson City, MO 65101

Dear Harry,

Please be informed that I am re-appointing you as a member of the Joint Committee on Health Care Policy and Planning (Chapter 191.825, RSMo).

If you have any questions, or if I can be of any assistance, please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

MISSOURI SENATE

January 28, 1997

The Honorable Jerry Howard

State Capitol Building, Room 428A

Jefferson City, MO 65101

Dear Jerry,

Please be informed that I am re-appointing you as a member of the Joint Committee on Health Care Policy and Planning (Chapter 191.825, RSMo).

If you have any questions, or if I can be of any assistance, please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

MISSOURI SENATE

January 28, 1997

The Honorable J. B. "Jet" Banks

State Capitol Building Room 319

Jefferson City, MO 65101

Dear Jet,

Please be informed that as a member of the Joint Committee on Health Care Policy and Planning, I am appointing you chairman of the senate members of this committee.

If you have any questions, or if I can be of any assistance, please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Johnson introduced to the Senate, Dr. Robert Schaaf and his son, Robert, St. Joseph; and Robert was made an honorary page.

Senator Clay introduced to the Senate, former State Senator John Bass and Joe Brown, St. Louis.

Senator Westfall introduced to the Senate, the Physician of the Day, Dr. Bill Donnell and his son, Mark, Bolivar; and Mark was made an honorary page.

Senator Russell introduced to the Senate, Sheryl L. Cheves, Camdenton.

Senator Bentley introduced to the Senate, Jacqueline McKinsey and Nancy Addleman, Ozarks Technical College.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FOURTEENTH DAY--THURSDAY, JANUARY 30, 1997

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we start each day with a prayer. We acknowledge Your presence and watchcare over us. We accept Your Lordship, ask for Your blessing and covet Your guidance. Have Your way in our life today. Bring out the best that is in us. Make Your presence known to us. Amen.

The Pledge of Allegiance to the Flag was recited.

President Pro Tem McKenna assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators

Johnson Scott--2

The Lieutenant Governor was present.

CONSTITUTIONAL OBJECTIONS

Senators Schneider and Banks offered the following:

CONSTITUTIONAL OBJECTION

We object to further constitutional action to be taken on SCR 3 because its enactment by the General Assembly did not conform to the requirements of Article III and IV of the Constitution and is therefore constitutionally defective.

SCR 3 has the force and effect of law. In its enactment, the General Assembly has relied upon the provisions of Article XIII, Section 3 to disapprove the salary schedule adopted by the Missouri Citizens's Commission on the Compensation of Elected Officials.

The salary schedule of the Citizen's Commission on the Compensation of Elected Officials has the force and the effect of law. The commission has full authority to set the compensation for elected officials, including salary, mileage and per diem, at rates different from those formerly set in sections 21.140, 21.145, 26.010, 27.010, 28.010, 29.010, 30.010, 476.380, 477.120, 477.130, 478.013, 478.017, 478.018, 478.019, 478.020 and 478.023, RSMo. The schedule shall be published by the Secretary of State as a part of the session laws and shall be published by the Revisor of Statutes as a part of the Revised Statutes of Missouri.

The concurrent resolution purports to disapprove the salary schedule which in the absence of such disapproval, is intended to direct and permanently control matters applying to state officials' salaries, and thus the concurrent resolution has the force and effect of law. See *State ex rel. Jones vs. Atterbury*, 300 S.W. 2d 806 at 817 (Mo. banc 1957).

A concurrent resolution which has the force and effect of law must meet all of the constitutional requirements established for the passage of a bill. Article IV, Section 8, *Behrer v Toberman* 227 S.W. 2d 719 (Mo. banc 1950); *State ex rel. Jones vs. Atterberry* 300 S.W. 2d 806 at 817 (Mo. banc 1957).

SCR 3 was received from the Senate by the House of Representatives on January 27, 1997 and was referred to the House Committee on Rules, Joint Rules and Bills Perfected and Printed on the same day (House Journal, pp 198-199). The resolution was reported from the committee on January 28 (House Journal p 205) and "adopted" by the House on the same day (House Journal pp 211-212). Therefore the bill was in the possession of and considered by the House of Representatives for only two days.

SCR 3 was adopted by the House of Representatives in a manner which does not conform to the mandatory requirements of Article III, Section 21 which specify that "every bill shall be read by title on three different days in each house". SCR 3 was first read in the House of Representatives on January 27, was referred to committee on January 27 and was "adopted" by that chamber on January 28, in direct violation to the mandatory provisions of Article III, Section 21 and Article IV, Section 8 of the Constitution.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 106, regarding Creve Coeur Police Chief Richard Schnarr, which was adopted.

Senator Clay offered Senate Resolution No. 107, regarding Black Church Week of Prayer for the Healing of AIDS of Greater Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 108, regarding Mr. Jay Greco, Blue Springs, which was adopted.

Senator Staples offered Senate Resolution No. 109, regarding Clara Staples Wilkins, Salem, which was adopted.

Senator Graves offered Senate Resolution No. 110, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Forrest Johnson, Craig, which was adopted.

Senator Caskey offered Senate Resolution No. 111, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Buford Hockett, Adrian, which was adopted.

Senator Graves offered Senate Resolution No. 112, regarding A & G Restaurant, Maryville, which was adopted.

Senator Schneider offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 113

WHEREAS, on November 8, 1994, the voters of Missouri adopted an amendment to the Missouri constitution, codified therein as section 3 of article XIII; and

WHEREAS, section 3 of article XIII provides that the compensation of statewide elected officials, members of the general assembly and certain members of the judiciary is to be set by the Missouri citizens commission on compensation for elected officials after a review and study of the relationship of the compensation of such officials to the duties of such officials; and

WHEREAS, the section 3 of article XIII provides that the purpose of the commission is **to ensure that the power to control the rate of compensation of elected officials of this state is retained and exercised by the tax paying citizens of this state** rather than by the general assembly; and

WHEREAS, in order to fulfill this purpose, the constitution provides that affected public officials shall not receive compensation for the performance of their duties, including salaries, mileage allowances or per diem expense allowances, **"other than in the amount established for each office by the Missouri Citizens Commission on Compensation for Elected Officials** , and that until July 1, 1997, the only compensation payable to the affected public officials shall be that in effect on the effective date of the amendment to the constitution denominated as article XIII, section 3; and

WHEREAS, the commission filed its report and schedule of compensation with the secretary of state and the revisor of statutes prior to December 1, 1996, as required by the constitution; and

WHEREAS, section 3 of article XIII provides that the schedule shall become effective on July 1, 1997, unless disapproved by concurrent resolution adopted by the general assembly prior to February 1, 1997; and

WHEREAS, section 3 of article XIII provides that implementation of the schedule of compensation, even after its adoption, is **"subject to appropriation** by the general assembly; and

WHEREAS, section 3 of article XIII leaves full or partial funding of the recommendations of the commission to the discretion of the general assembly; and

WHEREAS, the attorney general has opined to the members of the general assembly that **If the General Assembly appropriates less money for the compensation of officials than the compensation shown in the Compensation Schedule prepared by the Missouri Citizen s Commission on Compensation for Elected Officials , those officials are to be paid the lesser amount appropriated by the General Assembly rather than the amount shown in the Compensation Schedule.** (Attorney General s Opinion No. 91-97, January 20, 1997); and

WHEREAS, the per diem allowance of thirty-five dollars per day has not been changed for twenty years and is inadequate to provide for expenses of members of the general assembly for lodging and meals while in session; and

WHEREAS, certain positions of leadership within the general assembly involve duties additional to those provided by law for other members of the general assembly, including presiding over the respective houses of the general assembly, administration of each respective house, representation of the viewpoint of groups of legislators in determining policy of each house, coordination of the proceedings of each house, and presiding and coordinating the consideration of the proposed state budget in the general assembly; and

WHEREAS, the per diem reimbursement for actual and necessary expenses incurred during meetings of the Missouri judicial conference, which requires mandatory attendance by Missouri judges, has been historically the same amount as that provided for members of the general assembly; and

WHEREAS, the chief justice of the supreme court has historically received a differential in salary in the amount of two thousand five hundred dollars per year, in compensation for additional administrative duties associated with such position; and

WHEREAS, although Missouri law supports the concept of a part-time legislature which meets approximately five months per year, legislators are frequently called upon to serve on interim committees exploring areas to be addressed in future legislative sessions and are also expected to be available to address constituent needs and problems regarding state government in their home districts; and

WHEREAS, current policies of the federal government have resulted in many governmental functions formerly exercised by the national government being transferred to state governments, including environmental regulation, public assistance, public health care, low income housing programs and special education programs, which have resulted in the need for well-informed legislators who must devote an increasing amount of time resolving problems now confronting state government; and

WHEREAS, the plain language of section 3 of article XIII suggests that if the general assembly adopts a concurrent resolution prior to February 1, 1997, disapproving the initial schedule of compensation filed by the commission, any compensation payable for the offices under the jurisdiction of the commission will be eliminated since the constitution states that the only salary payable is **in the amount established for each office by the Missouri Citizens Commission on Compensation for Elected Officials** ; and

WHEREAS, it is in the best interests of the state to avoid ambiguity and potential litigation in association with interpretation of the provisions of section 3 of article XIII of the constitution; and

WHEREAS, the general assembly has considered the 1996 Report and Compensation Schedule (Appendix A) of the Missouri Citizens Commission on Compensation for Elected Officials dated November 30, 1996, and decides that the eighty-ninth general assembly shall fund the recommendations of the commission only to the extent as follows;

NOW, THEREFORE, BE IT RESOLVED by the senate, eighty-ninth general assembly, that, upon adoption of the resolution by a majority of the elected members, the **maximum amount of compensation to be funded by the eighty-ninth general assembly** pursuant to the report and schedule of compensation filed by the Missouri citizens commission on compensation for elected officials shall be as follows:

1. A per diem allowance for members of the general assembly for each day on which the journal of the senate or house of representatives, respectively, shows the presence of the senator or representative, in the amount indexed to seventy percent of the federal standard promulgated by the Internal Revenue Service of the Department of the Treasury for Jefferson City, Missouri, as amended from time to time, but not less than seventy dollars;

2. The base salary for members of the general assembly in the amount as provided for fiscal year 1997;

3. The differential in salary for the positions in leadership within the general assembly shall be as provided for fiscal year 1997;

4. With respect to statewide elected officials, the base salaries provided the governor, lieutenant governor, secretary of state, state treasurer, state auditor and the attorney general in the amounts as provided for fiscal year 1997;

5. With respect to the judiciary:

(a) The base salary of the judges of the supreme court, court of appeals, circuit courts and the associate circuit divisions of the circuit courts, in the amount as provided for fiscal year 1997;

(b) The amount of per diem reimbursement for expenses incurred during meetings of the Missouri judicial conference calculated in the same manner as the amount of per diem is calculated for legislators;

(c) The chief justice of the supreme court shall receive the additional two thousand five hundred dollars as provided for fiscal year 1997;

6. A mileage allowance for affected public officials indexed to the mileage allowance provided to other state employees for travel associated with the performance of their duties;

BE IT FURTHER RESOLVED that the secretary of the senate is instructed to inform the House of Representatives, the governor and the secretary of state of the adoption of this resolution by delivering a properly certified copy of this resolution to the Chief Clerk of the House of Representatives and to such persons upon adoption of this resolution.

Senator Singleton offered Senate Resolution No. 114, regarding the Eightieth Wedding Anniversary of Mr. and Mrs. Arvel Long, Rocky Comfort, which was adopted.

Senator Sims offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 115

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role- playing experience; and

WHEREAS, during June 1997, the American Legion Auxiliary, Department of Missouri, is conducting the fifty-sixth annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol, where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, hereby grant the adult leaders and participants of the Fifty-sixth Session of Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session on Tuesday, June 10, 1997.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 116

WHEREAS, the members of the Missouri Senate have been deeply pleased to learn of the promotion of Jeffrey L. Brant, currently of Fort Leavenworth, Kansas, to the rank of Lt. Colonel United States Army, effective February 1, 1997; and

WHEREAS, Lt. Colonel Brant, born in Warrensburg, Missouri, attended school in Kansas City, Camdenton, graduated from Central Missouri State University in Warrensburg, where he was an ROTC Distinguished Military Graduate in 1980, and where he was commissioned a 2nd. Lieutenant, U.S. Army, in May of 1980; and

WHEREAS, Lt. Colonel Brant graduated from the 82nd Airborne School in 1980 and was a member of the 101st Airborne Assault at Fort Campbell, Kentucky; and

WHEREAS, during his 17 years of active military service, Lt. Colonel Brant completed a 3 year tour of duty in Germany plus overseas tours in Saudi Arabia and Somalia, and also taught ROTC at the University of Wisconsin-Madison, for 3 years; and

WHEREAS, Lt. Colonel Brant has particularly close ties to the Missouri Senate because his mother, Mrs. Lin Williams, served for a number of years as secretary to the late Senator Norman Merrell and is currently secretary of our colleague, the Senator from the 10th District, Senator Harry Wiggins; and

WHEREAS, Lt. Colonel Brant has been married to Dr. Mary M. Brant since 1979, and they have two children, Lauren E. Brant, 13, and Nathan A. Brant, 3. He is also the son of Allen Brant, Independence, MO., brother of John A. Brant, Christmas, Florida, and brother of Valerie M. (Brant) Cox, St. Louis, MO. and the grandson of Lt. Col. (Ret.) USAF and Mrs. Jess E. White, Jefferson City, MO., Mrs. Eursie Brant and the late Lester Brant of Independence, MO.; and

WHEREAS, Lt. Colonel Brant, during his distinguished military career has received Meritorious Service Medals, Joint Commendation Medal, Army Commendation Medal, Army Achievement Medal, Southwest Asia Service Medal, United Nations Medal, Army Forces Expedition Medal, Kuwait Liberation Medal, National Defense Service Ribbon; and

WHEREAS, Lt. Colonel Brant will receive the honor of having the silver leaves pinned on by his grandfather, Lt. Colonel Jess E. White (Ret.) USAF, of Jefferson City, at a ceremony attended by his proud family and many friends;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the outstanding accomplishments of Lt. Colonel Jeffrey L. Brant on the occasion of his promotion to Lt. Colonel, express their appreciation for his lifetime of good citizenship and his distinguished military career, and extend to Lt. Colonel Brant, his family and many friends most sincere best wishes for many long years continued good health, success and happiness; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the family of Lt. Colonel Jeffrey L. Brant, as a measure of our esteem for him.

Senator Maxwell offered Senate Resolution No. 117, regarding Mr. Nelson J. Glasgow, Arbela, which was adopted.

Senator Howard offered Senate Resolution No. 118, regarding Kendall Seal, Piedmont, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 315--By Staples.

An Act to repeal sections 304.050 and 307.375, RSMo 1994, relating to crossing control arms on school buses, and to enact in lieu thereof two new sections relating to the same subject.

SB 316--By Kenney.

An Act to repeal section 301.025, RSMo Supp. 1996, relating to personal property tax receipts used for motor vehicle registration, and to enact in lieu thereof one new section relating to the same subject.

SB 317--By Kenney.

An Act to amend chapter 116, RSMo, by adding thereto one new section relating to ballot measures.

SB 318--By Kenney.

An Act to authorize the conveyance of certain lands by the department of mental health in Jackson County.

SB 319--By Howard.

An Act to repeal section 191.331, RSMo 1994, relating to newborn testing, and to enact in lieu thereof one new section relating to the same subject.

SB 320--By Howard.

An Act to repeal sections 256.453 and 256.468, RSMo 1994, relating to registration of geologists, and to enact in lieu thereof two new sections relating to the same subject.

SB 321--By Jacob.

An Act to repeal sections 226.520, 226.527, 226.540 and 226.585, RSMo 1994, relating to regulation of outdoor advertising, and to enact in lieu thereof six new sections relating to the same subject, with a referendum clause and penalty provisions.

SB 322--By Jacob.

An Act to repeal sections 174.620 and 175.021, RSMo 1994, and sections 172.035, 174.055 and 174.610, RSMo Supp. 1996, relating to certain institutions of higher education, and to enact in lieu thereof nine new sections relating to the same subject.

SB 323--By Graves.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to ambulance districts.

SB 324--By Clay.

An act to amend chapter 431, RSMo, relating to construction indemnification agreements by adding thereto one new section relating to the same subject.

SB 325--By Clay and Curls.

An Act to amend chapter 290, RSMo, by adding eleven new sections relating to rights and remedies with respect to wrongful discharge from employment.

SB 326--By Scott.

An Act to repeal section 389.060, RSMo 1994, relating to railroad passengers, and to enact in lieu thereof one new section relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Mathewson resumed the Chair.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 169**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 169, Page 3, Section 287.615, Line 19, by inserting immediately in front of the word "In" an opening bracket "[" ; and

Further amend said bill and section, Page 4, Line 22, by inserting immediately after "3." a closing bracket "]"; and further amend Line 24, by inserting immediately before the comma "," an opening bracket "["; and further amend Line 25, by inserting immediately after "charge" a closing bracket "]".

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 121**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Ethics, submitted the following report:

Mr. President: Your Committee on Ethics, to which was referred **SB 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 11**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 11, Page 1, In the Title, Line 3, by striking "and 57.317"; and inserting in lieu thereof: ", 57.317 and 57.550" and

Further amend Page 1, In the title, Line 5, by striking "sixteen" and inserting in lieu thereof: "seventeen"; and

Further amend said bill, Page 1, Section A, Line 2, by striking "and 57.317" and inserting in lieu thereof: ", 57.317 and 57.550"; and

Further amend said bill, Page 1, Section A, Line 3, by striking "sixteen" and inserting in lieu thereof: "seventeen"; and

Further amend said bill, Page 1, Section A, Line 6, by inserting immediately after "57.317," the following: "57.550,"; and

Further amend said bill, Page 34, Section 57.317, Line 57, by inserting immediately after all of said line the following:

"57.550. The sheriff of the city of St. Louis shall receive for his services the sum of [sixty] **sixty-five** thousand dollars per annum. Said sum and the compensation of his deputies and assistants shall be paid out of the treasury of the city of St. Louis in equal semimonthly installments. For additional duties hereunder imposed, the sheriff shall mail all petit jury summons."

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Staples submitted

the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 51**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 19**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 19, Page 1, Section 1, Lines 1-3, by deleting all of subsection 1 from the bill and renumbering the remaining subsections accordingly; and

Further amend said bill, page 2, section 2, line 4, by inserting immediately after the word "operator's" the following: **"license or"**; and

Further amend said bill, page 2, section 2, line 20, by inserting immediately after "individual's" the following: **"motor vehicle"**; and

Further amend said bill, page 3, section 2, lines 48-52, by striking the words "It is the" from line 48 and by striking all of lines 49-52 and by inserting in lieu thereof the following: **"No personal information in motor vehicle records may be disclosed under this subsection where individuals have prohibited such disclosure under subsection 2 of this section. No person obtaining motor vehicle records under this subsection may redisclose or disseminate personal information contained in such motor vehicle records to the public or to any other entity except to individuals directly involved in producing the newspaper, book, magazine, broadcast or other form of public communication."**

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 22**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 72**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 72, Page 1, In the Title, Line 2, by inserting immediately after "643.335" the following: ", 643.350"; and

Further amend Page 1, In the Title, Line 4, by striking "five" and inserting in lieu thereof: "six"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after "643.335" the following: ", 643.350"; and

Further amend said bill, Page 1, Section A, Line 2, by striking "five" and inserting in lieu thereof: "six"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after "643.335" the following: ", 643.350"; and

Further amend said bill, Page 3, Section 643.310, Line 55, by inserting after "643.355.", the following: **"A license**

shall be for a period of up to seven years and licenses shall be annually reviewed. A license may be suspended or revoked if the licensee is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license contract or the license agreement as determined by the department. A licensee found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license contract or license agreement shall be in violation of section 643.151 and subject to the penalties provided thereunder."; and

Further amend said bill, Page 3, Section 643.310, Line 57, by striking "**renewal**" and inserting in lieu thereof "**review**"; and

Further amend said bill, Page 11, Section 643.335, Line 41, by inserting immediately after all of said line the following:

"643.350. 1. A fee, not to exceed twenty-four dollars, may be charged for an emissions inspection conducted under the emissions inspection program established pursuant to sections 643.300 to 643.355, except that on days of operation, other than the last three days of operation in each calendar month, the fee shall be reduced by:

- (1) Five dollars for any person who is required to wait more than fifteen minutes before the inspection begins;
- (2) Ten dollars for any person who is required to wait more than thirty minutes before the inspection begins; and
- (3) Twenty dollars for any person who is required to wait more than sixty minutes before the inspection begins.

2. The commission shall establish, by rule, a time-stamping system to ensure that the time of arrival and the time inspection begins is accurately recorded for each vehicle at each emissions inspection facility.

3. The fee shall be conspicuously posted on the premises of each emissions inspection station.

4. The commission shall establish, by rule, the portion of the fee amount to be remitted by the contractor to the director of revenue and the number of days allowed for remitting fees.

5. The contractor shall remit the portion of fees collected, as established by the commission under this section, to the director of revenue within the time period established by the commission. The director of revenue shall deposit the fees received in the state treasury to the credit of the "Missouri Air Emission Reduction Fund", which is hereby created. Moneys in the fund shall, subject to appropriation, be expended for the administration and enforcement of sections 643.300 to 643.355 **by the department of natural resources, the Missouri highway patrol and other appropriate agencies**. Any balance in the fund at the end of the biennium shall remain in the fund and shall not be subject to the provisions of section 33.080, RSMo. All interest earned by moneys in the fund shall accrue to the fund.

6. In addition to funds from the Missouri air emission reduction fund, costs of capital or operations may be supplemented, upon appropriation, from the general revenue fund, the state highway department fund, federal funds or other funds available for that purpose."

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 72, Page 2, Section 643.310, Line 13, by placing an opening bracket "[" before the comma ","; and further amend line 17 by placing a closing bracket "]" after the numeral "7545".

On behalf of Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Quick submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 18**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 18, Page 4, Section 306.100, Line 71, by inserting after the word "length" the following: "**except canoes**"; and further on line 75 of said section by inserting at the end of said line the following: "**Every canoe sixteen feet or more in length shall have on board at least one type IV throwable personal flotation device for each person on board.**"; and

Further amend said bill and section, page 5, line 85, by inserting before the word "canoes" the following: "**racing**".

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 55**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 132**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 132, Page 2, Section 115.361, Line 29 by inserting immediately after the word "filing" the following: "**for that office**"; and further amend line 30, by striking the word "customary" and inserting in lieu thereof the word "**statutory**".

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 168**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 163**, begs leave to report that it has considered the same and recommends that the bill do pass.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 327--By Sims.

An Act to amend chapter 197, RSMo, by adding thereto eleven new sections relating to transfers of assets by nonprofit hospitals.

SB 328--By House, Flotron, Rohrbach, Wiggins and Klarich.

An Act to amend chapter 538, RSMo, by adding two new sections relating to tort actions based on improper health care.

SB 329--By Goode, Schneider and Flotron.

An Act relating to the licensing of brewers.

SB 330--By Maxwell.

An Act to repeal sections 96.230, 96.240, 96.250, 96.260, 96.270, 96.280, 96.290, 205.590, 205.600, 205.610, 205.620, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 205.765, 205.766, 205.767, 205.769, 205.770, 205.780, 205.790, 205.800, 205.810, 205.820, 205.830, 205.840, 205.850, 205.860, 205.870, 205.880, 205.890, 205.900, 205.910, 205.920, 205.930, 205.940, 205.950, 208.015, 251.470, 251.473, 251.476, 251.479, 251.481, 251.483 and 251.485 RSMo 1994, and section 205.565, RSMo Supp. 1996, relating to governmental reorganization, and to enact in lieu thereof sixteen new sections relating to the same subject, with an emergency clause.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Patrick R. Brady, as a member of the Missouri Health Facilities Review Committee;

Also,

John F. Bass, as a member of the Coordinating Board for Higher Education;

Also,

Patricia S. Joyce, as a member of the Lincoln University Board of Curators;

Also,

Richard J. Barr, as a member of the Missouri Board for Architects, Professional Engineers and Land Surveyors;

Also,

Charlotte R. York, LPN, as a member of the State Board of Nursing;

Also,

Barry M. Kayes, as a member of the Air Conservation Commission;

Also,

W. Dudley McCarter, as a member of the Children's Trust Fund;

Also,

Michael H. Metzler, M.D., as a member of the State Advisory Council on Emergency Medical Services;

Also,

Karen Touzeau, as a member of the Personnel Advisory Board;

Also,

Theresa K. Blume, as a member of the Organ Donation Advisory Committee;

Also,

Gary P. Riedel, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission;

Also,

Sheryl L. Cheves, as a member of the Missouri Community Services Commission;

Also,

Yolanda Lorge, as a member of the State Committee of Psychologists;

Also,

Jacqueline McKinsey, as a member of the Missouri Women's Council;

Also,

H. Darrell Waisner, as a member of the Missouri Housing Development Commission;

Also,

Carolyn J. Walker, as a member of the State Board of Cosmetology;

Also,

Elizabeth Baker Brown, as a member of the State Soil and Water Districts Commission;

Also,

Larry L. Hendren, as a member of the State Board of Geologist Registration.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 310--Education.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 331--By Wiggins.

An Act to repeal section 144.062, RSMo 1994, relating to certain sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
January 29, 1997

TO THE SECRETARY OF THE SENATE

89TH GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Concurrent Resolution No. 1.

The Board of Curators of the University of Missouri desires to convey property constituting the University Park in Kansas City, Jackson County to the Ewing Marion Kauffman Foundation.

On January 29, 1997, I approved said Senate Concurrent Resolution No. 1.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 1997

TO THE SECRETARY OF THE SENATE

89TH GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Concurrent Resolution No. 3.

The 89th General Assembly rejects the 1996 Compensation Schedule (Appendix A) of the 1996 Report and Compensation Schedule of the Missouri Citizens Commission on Compensation for Elected Officials, dated November 30, 1996.

On January 29, 1997, I approved said Senate Concurrent Resolution No. 3.

Respectfully submitted,

MEL CARNAHAN

Governor

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, February 3, 1997.

Journal of the Senate

FIRST REGULAR SESSION

FIFTEENTH DAY--MONDAY, FEBRUARY 3, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Dear Lord, guide us, direct us, lead us, even correct us, but please don't ever leave us. Teach us, use us, inspire us, even chasten us, but please don't ever turn away from us. Your presence keeps us going. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 30, 1997, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

RESOLUTIONS

Senator Howard offered Senate Resolution No. 119, regarding Scott Rayfield, Piedmont, which was adopted.

Senator Howard offered Senate Resolution No. 120, regarding John "J.J." Miller, Piedmont, which was adopted.

Senator Howard offered Senate Resolution No. 121, regarding Jonathon "Jon" Eads, Piedmont, which was adopted.

Senator Howard offered Senate Resolution No. 122, regarding Jeffry Payton, Piedmont, which was adopted.

Senator Howard offered Senate Resolution No. 123, regarding Ryan Huitt, Patterson, which was adopted.

Senator Howard offered Senate Resolution No. 124, regarding Jeffrey "Jeff" Birschbach, Piedmont, which was adopted.

Senator Howard offered Senate Resolution No. 125, regarding Joseph M. Toney, Piedmont, which was adopted.

Senator Kinder offered Senate Resolution No. 126, regarding Water Waddle, Inc., East Prairie, which was adopted.

Senator Graves offered Senate Resolution No. 127, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Benjamin Jackson, Meadville, which was adopted.

Senator Wiggins offered Senate Resolution No. 128, regarding Noreen Accurso, which was adopted.

Senator Graves offered Senate Resolution No. 129, regarding Nathan Merservey, Trenton, which was adopted.

Senator Maxwell offered Senate Resolution No. 130, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eston Moon, Canton, which was adopted.

Senator Flotron offered Senate Resolution No. 131, regarding Joella M. Miller, which was adopted.

Senator Flotron offered Senate Resolution No. 132, regarding Central County Emergency 911, which was adopted.

Senator Wiggins offered Senate Resolution No. 133, regarding William F. Quinn, which was adopted.

Senator Wiggins offered Senate Resolution No. 134, regarding Congressman Peter T. King, which was adopted.

Senator Caskey offered Senate Resolution No. 135, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Damon Shannon, Amsterdam, which was adopted.

Senator Staples offered Senate Resolution No. 136, regarding Mr. Ronald L. Whittier, which was adopted.

CONCURRENT RESOLUTIONS

Senator Ehlmann offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 18

WHEREAS, section 160.526, RSMo, provides that the Commissioner of Education shall inform the President Pro Tempore of the Senate and the Speaker of the House about the procedures to implement the statewide assessment system, which shall include a report related to the reliability and validity of the assessment instruments; and

WHEREAS, section 160.526, RSMo, provides that the General Assembly may, within thirty legislative days after such report is submitted, veto the implementation of the statewide assessment system by a concurrent resolution adopted by a majority of both the Senate and the House of Representatives; and

WHEREAS, on December 19, 1996, the Missouri State Board of Education adopted a resolution endorsing the Missouri Assessment Program; and

WHEREAS, Commissioner of Education, Dr. Robert E. Bartman, submitted the Blueprint for the Missouri Assessment Program, dated December 27, 1996, to the President Pro Tempore of the Missouri Senate and the Speaker of the Missouri House of Representatives; and

WHEREAS, the Blueprint for the Missouri Assessment Program merely outlines procedures to obtain reliability and validity and does not include specific data on the reliability and validity of the proposed test; and

WHEREAS, the new assessment is expected to place an unfunded, mandated cost on local school districts, contrary to the provisions of Article

X, Section 21 of the Missouri Constitution; and

WHEREAS, the assessment report leaves a number of issues unresolved and describes itself as a "work in progress" rather than a final product;

NOW, THEREFORE, BE IT RESOLVED that we the members of the Senate of the Eighty-ninth General Assembly, the House of Representatives concurring therein, hereby veto the implementation of the statewide assessment system as submitted in Blueprint for the Missouri Assessment Program and request the Department of Elementary and secondary Education to determine the reliability and validity of the tests, the funding sources for the tests, and resubmit them to the legislature for their approval; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution to be submitted to the Governor for the Governor's approval.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 332--By Wiggins.

An Act to repeal sections 313.205, 313.270, 313.300 and 313.321, RSMo 1994, relating to the state lottery, and to enact in lieu thereof four new sections relating to the same subject.

SB 333--By Clay.

An Act relating to certain telecommunications services.

SJR 10--By McKenna.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39(a) of article III of the Constitution of Missouri, relating to bingo and adopting one new section in lieu thereof relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 169**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 169, Page 2, Section 286.005, Line 16, by striking the word "equal" on said line and inserting in lieu thereof the words "not to exceed"; and further amend line 17, by striking the word "to"; and further amend said bill, page 3, section 287.615, line 6, by striking the words "be as follows" and inserting in lieu thereof the words "not exceed".

Senator Lybyer moved that the above amendment be adopted.

At the request of Senator Lybyer, **SA 1** was withdrawn.

Senator Graves offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 169, Page 3, Section 286.005, Line 63, by inserting immediately after all of said line the following:

"287.390. 1. Nothing in this chapter shall be construed as preventing the parties to claims hereunder from entering into voluntary agreements in settlement thereof, but no agreement by an employee or his dependents to waive his rights under this chapter shall be valid, nor shall any agreement of settlement or compromise of any dispute or claim for compensation under this chapter be valid until approved by an administrative law judge or the commission, nor shall an administrative law judge or the commission approve any settlement **for** which [is] **they have** not [in accordance with] **explained** the rights of [the] **any unrepresented** parties as given in this chapter. No such agreement shall be valid unless made after seven days from the date of the injury or death.

2. If the employee or his dependents and the employer wish to agree to a settlement or cannot agree to a settlement, the administrative law judge, associate administrative law judge or legal advisor shall not refer, send, or otherwise direct either party to any attorney, physician or other provider of services, except as provided under subsection 2 of section 287.210.

3. It shall be the policy of the division that no employee of the division shall refer, send, or otherwise direct any party to any attorney or panel of attorneys, physician or other provider of services.

4. In the case of compromise settlements in which the employer and the employee, with or without representation by attorney, agree to the settlement, and in which the amount of the settlement equals or exceeds the physician's rating pursuant to subsection 6 of section 287.210, the division shall not refuse to approve the compromise settlement agreement.

[2.] **5.** A compromise settlement approved by an administrative law judge or the commission during the employee's lifetime shall extinguish and bar all claims for compensation for the employee's death if the settlement compromises a dispute on any question or issue other than the extent of disability or the rate of compensation.

[3.] **6.** Notwithstanding the provisions of section 287.190, an employee shall be afforded the option of receiving a compromise settlement as a one-time lump sum payment. A compromise settlement approved by an administrative law judge or the commission shall indicate the manner of payment chosen by the employee.

[4.] **7.** A minor dependent, by parent or conservator, may compromise disputes and may enter into a compromise settlement agreement, and upon approval by an administrative law judge or the commission the settlement agreement shall have the same force and effect as though the minor had been an adult. The payment of compensation by the employer in accordance with the settlement agreement shall discharge the employer from all further obligation."; and

Further amend the title and enacting clause accordingly.

Senator Graves moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Schneider raised the point of order that **SA 2** is out of order in that the amendment goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Clay assumed the Chair.

Senator Singleton offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 169, Page 3, Section 286.005, Line 63, by adding "Subsection 10. Nothing in this act shall allow a disability determination greater than that determined by medical physicians licensed in this state.".

Senator Singleton moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 3** is out of order in that the amendment goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Rohrbach offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 169, Page 2, Section 286.005, Line 18, by deleting all of said line.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 169, Page 1, Section A, Line 2 by striking "two" and inserting in lieu thereof "three"; and further amend Section A, Line 3, by striking "and 287.615"; and inserting in lieu thereof the following ", 287.615 and Section 1 "; and

Further amend said bill, Page 4, Section 287.615, Line 29, by inserting immediately after all of said line the following:

"Section 1. 1. Any terminated administrative law judge or legal advisor may make a one-time election for the system to pay the present value of his annuity benefits if the terminated administrative law judge or legal advisor served as such for less than twelve years and is not within fifteen years of receiving retirement benefits. Except as provided in subsection 2 of this section, any payment so made shall be a complete discharge of the existing liability of the system with respect to the terminated administrative law judge or legal advisor.

2. Upon subsequent employment for a period of twelve consecutive months as an administrative law judge or legal advisor, the employee may elect, within ninety days after such twelve-month period, to purchase creditable service equal to the amount of creditable service surrendered due to a payment as specified in this section. The cost of such purchase shall be actuarially determined by the system, and shall be paid over a period of not longer than two years from the date of election, with interest on the unpaid balance."

Senator Klarich moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 5** is out of order in that it goes beyond the scope and purpose of the original subject matter of the bill.

At the request of Senator Klarich, **SA 5** was withdrawn, rendering the point of order moot.

Senator Staples offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Bill No. 169, Page 4, Section 287.615, Line 29, by inserting after said line the following:

"Section 1. Other provisions of the law to the contrary notwithstanding, the per diem paid to legislators for each day on which the Journal of the House and Senate, as may be, shows the presence of such Representative or Senator, shall be in an amount equal to that allowed by the Internal Revenue Service for federal employees when such employees are in the City of Jefferson."; and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 6** is out of order in that it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

On motion of Senator Schneider, **SB 169**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 30, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Angela E. Cass, 1733 S. Luster, Apartment 101, Springfield, Greene County, Missouri 65804, as a member of the Committee for Professional Counselors, for a term ending August 28, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 30, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Douglas W. Guthals, Democrat, 6015 North Michigan, Gladstone, Clay County, Missouri 64118, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 1999, and until his successor is duly appointed and qualified; vice, Jackie Herndon, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 30, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald L. Harrison, Republican, 2456 Brookwood, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 30, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Daniel J. "Duke" McVey, 1414 Dixon Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Children's Trust Fund Board, for a term ending September 15, 1997, and until his successor is duly appointed and qualified; vice, Sandra Downard, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 30, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Doyle L. Privett, Republican, 1814 Allison, Kennett, Dunklin County, Missouri 63857, as a member of the Southeast Missouri State University

Board of Regents, for a term ending January 1, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

President Pro Tem McKenna resumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 334--By Mathewson.

An Act to repeal section 136.055, RSMo 1994, and section 301.030, RSMo Supp. 1996, relating to the licensing of motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

SB 335--By Kinder.

An Act to repeal section 253.401, RSMo 1994, relating to tax credits for historic preservation, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 56**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 161**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 70**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 89**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 122**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 58**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 59**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 67**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 67, Page 4, Section 238.365, Lines 2 through 6, by deleting all of said lines and inserting in lieu thereof the following: "**collection regulations is guilty of an infraction and upon conviction thereof, shall be punished by a fine to be determined by the court.**"; and

Further amend said bill, Page 4, Section 238.365, Lines 10 through 12, by deleting all of said lines and inserting in lieu thereof the following: "**proceeding to enforce this section, subject to foundation evidence to establish the authenticity of the report, call or photographs. Photo monitoring system evidence which shows that the driver of a vehicle has failed to pay a toll shall raise a rebuttable presumption that the motor vehicle shown in the photographic evidence was used in violation of this section.**"; and

Further amend said bill, Page 4, Section 238.367, Line 19, by inserting after the word "**therein**" the following: ", **subject to foundation evidence to establish the authenticity of such photographs, microphotographs, video-tape or other recorded images produced by a photo monitoring system,**".

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 246**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Quick submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 179**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 216**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 155**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 34**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 34, Page 2, Section 1, Line 46, by striking the following: "**MG-05**" and inserting in lieu thereof the following: "**MC-05**"; and

Further amend said bill, Page 3, Section 1, Line 64, by striking the following: "**MG-05**" and inserting in lieu thereof the following: "**MC-05**".

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 131**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 170**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 197**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 128**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 128, Page 3, Section 408.140, Line 55, by striking: "Other provisions of law to the contrary notwithstanding" and further amend said bill by inserting in lieu thereof the following: "**Except as provided in subsection 2 of this section**".

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 336--By Flotron and Schneider.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to offender education.

RESOLUTIONS

Senator Maxwell offered Senate Resolution No. 137, regarding Jarrett Anderson, which was adopted.

INTRODUCTIONS OF GUESTS

Senators Wiggins and Johnson introduced to the Senate, Bill Grigsby, Kansas City.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

SIXTEENTH DAY--TUESDAY, FEBRUARY 4, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, when our burdens seem heavy and the demands on our time grow steadily, we turn to You for help. We don't ask for lighter burdens, but for shoulders strong enough to carry the load. Use us to lift the burden of someone else today. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 337--By Staples.

An Act to amend chapter 217, RSMo, by adding thereto two new sections relating to the construction of a correctional facility in Jackson county, with an emergency clause.

SB 338--By Caskey.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to witness immunity, with penalty provisions.

SB 339--By McKenna, Clay and Sims.

An Act to repeal section 253.401, RSMo 1994, relating to tax credits, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 138, regarding William P. McKenna, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Nora Duncan, Springfield.

Senator Jacob introduced to the Senate, 5th grade students from Grant Elementary, Columbia; and Dureill Ballinger, Lydia Young, Meredith Hammer and D. C. Freitag were made honorary pages.

Senator Ehlmann introduced to the Senate, the Physician of the Day, Kevin L. Threlkeld, M.D., Lake St. Louis.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTEENTH DAY--WEDNESDAY, FEBRUARY 5, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are doing Your work here. We are providing for and caring for the needs of Your people. We do it as a family. Like a family we look out for one another, point out problems and help one another to improve. We are there for one another. We are thankful to be a part of Your family. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

RESOLUTIONS

Senator Quick offered Senate Resolution No. 139, regarding Anthony Gibson, which was adopted.

Senator Quick offered Senate Resolution No. 140, regarding Brad Sams, which was adopted.

Senator Quick offered Senate Resolution No. 141, regarding Ryan Spires, which was adopted.

Senator Quick offered Senate Resolution No. 142, regarding Jeff Carder, which was adopted.

Senator Quick offered Senate Resolution No. 143, regarding Kyle Gibson, which was adopted.

Senator Mueller offered Senate Resolution No. 144, regarding Ray Benton, which was adopted.

Senator Graves offered Senate Resolution No. 145, regarding Misty Michel Brown, Laclede, which was adopted.

Senator Graves offered Senate Resolution No. 146, regarding Greg Prussman, St. Joseph, which was adopted.

Senator Graves offered Senate Resolution No. 147, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Melvin Otto Ervin Heil, Carrollton, which was adopted.

Senator Graves offered Senate Resolution No. 148, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Floyd Schooler, Fairfax, which was adopted.

Senator Graves offered Senate Resolution No. 149, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Duane Constance, Stewartsville, which was adopted.

Senator Graves offered Senate Resolution No. 150, regarding the One Hundredth Birthday of Pauline Strickel, Denver, Colorado, which was adopted.

Senator Graves offered Senate Resolution No. 151, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. R.L. "Bud" Demarest, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 152, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Yardley, Dawn, which was adopted.

Senator Graves offered Senate Resolution No. 153, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Russell Patton, Carrollton, which was adopted.

Senator Graves offered Senate Resolution No. 154, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Claude Owen, Maysville, which was adopted.

Senator Graves offered Senate Resolution No. 155, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Envert Price, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 156, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Archie Oestreich, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 157, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank Schleicher, Stewartsville, which was adopted.

Senator Graves offered Senate Resolution No. 158, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. A.L. Webster, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 159, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Hapes, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 160, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Lee Hansen, Fairfax, which was adopted.

Senator Graves offered Senate Resolution No. 161, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Murl Hume, Unionville, which was adopted.

Senator Graves offered Senate Resolution No. 162, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs.

Grayson Hancock, Meadville, which was adopted.

Senator Graves offered Senate Resolution No. 163, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Reinhard G. Wendt, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 164, regarding the Eightieth Birthday of Mary Frances Trump, St. Joseph, which was adopted.

Senator Graves offered Senate Resolution No. 165, regarding the One Hundredth Birthday of Kathryn Miller, Stanberry, which was adopted.

Senator Graves offered Senate Resolution No. 166, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wilson Talmadge, Stanberry, which was adopted.

Senator Graves offered Senate Resolution No. 167, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lewis S. Blackney, Hopkins, which was adopted.

Senator Graves offered Senate Resolution No. 168, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lloyd Gibson, Union Star, which was adopted.

Senator Graves offered Senate Resolution No. 169, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin Griffin, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 170, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Johnnie Porter, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 171, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Oakley Gartside, Parnell, which was adopted.

Senator Graves offered Senate Resolution No. 172, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Raymond Humbert, Kansas City, which was adopted.

Senator Graves offered Senate Resolution No. 173, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. C. Richard Watson, Stewartsville, which was adopted.

Senator Graves offered Senate Resolution No. 174, regarding the Ninetieth Birthday of Frances Piepergerdes, Cameron, which was adopted.

Senator Ehlmann offered Senate Resolution No. 175, regarding AquaComp, Inc., St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 176, regarding Caregivers Inn, O'Fallon, which was adopted.

Senator Graves offered Senate Resolution No. 177, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wayne Drydale, Bolckow, which was adopted.

Senator Yeckel offered Senate Resolution No. 178, regarding Yvonne Cole, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 340--By DePasco.

An Act to repeal section 37.005, RSMo Supp. 1996, relating to the office of administration, and to enact in lieu thereof one new section relating to the same subject.

SB 341--By Maxwell.

An Act relating to educational assistance for certain persons.

SB 342--By Goode and Lybyer.

An Act to repeal sections 256.616, 256.635 and 256.637, RSMo 1994, relating to the water well drillers' fund, and to enact in lieu thereof three new sections relating to the same subject.

SB 343--By McKenna.

An Act to repeal sections 313.004, 313.008, 313.800, 313.803, 313.805, 313.810, 313.812, 313.820, 313.822, 313.825, 313.827, 313.830, 313.837, 313.840, 313.847 and 434.030, RSMo 1994, and section 313.807, RSMo Supp. 1996, relating to the gaming commission, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty provisions.

SB 344--By McKenna.

An Act to repeal section 313.805, RSMo 1994, relating to excursion gambling boats, and to enact in lieu thereof one new section relating to the same subject.

SB 345--By McKenna.

An Act to repeal section 572.010, RSMo 1994, relating to the crime of gambling, and to enact one new section relating to the same subject.

SB 346--By Flotron, Schneider and Yeckel.

An Act to amend chapter 173, RSMo, by adding one new section relating to the Charles Gallagher student financial assistance program.

SB 347--By Banks and Curls.

An Act to repeal section 191.677, RSMo 1994, relating to health and welfare, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 348--By Curls.

An Act to repeal sections 494.425 and 494.430, RSMo 1994, relating to jury service, and to enact in lieu thereof two new sections relating to the same subject.

SB 349--By Curls.

An Act to repeal section 379.080, RSMo 1994, relating to insurance company investments, and to enact in lieu thereof two new sections relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 215**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 169**, begs leave to

report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

BILL REFERRALS

President Pro Tem McKenna referred **SB 169** to the Committee on State Budget Control.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 350--By Graves.

An Act to repeal section 143.124, RSMo 1994, relating to taxation of pensions, and to enact in lieu thereof one new section relating to the same subject.

SB 351--By Curls.

An Act to repeal section 59.319, RSMo 1994, relating to recording fees applicable to the Missouri Housing Trust Fund, and to enact in lieu thereof one new section relating to the same subject.

SB 352--By Curls.

An Act to repeal sections 99.350, 99.420 and 99.820, RSMo 1994, relating to the powers and liabilities of redevelopment authorities, and to enact in lieu thereof three new sections relating to the same subject.

SB 353--By Rohrbach.

An Act to amend chapter 67, RSMo, by adding three new sections relating to tourism for a certain city, with an emergency clause.

Senator Wiggins assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 291--Corrections and General Laws.

SB 294--Ways and Means.

SB 298--Elections, Pensions and Veterans' Affairs.

SB 300--Judiciary.

SB 302--Civil and Criminal Jurisprudence.

SB 303--Corrections and General Laws.

SB 304--Financial and Governmental Organization.

SB 305--Transportation.

SB 306--Judiciary.

SB 307--Elections, Pensions and Veterans' Affairs.

SB 308--Ways and Means.

SB 309--Elections, Pensions and Veterans' Affairs.

SB 311--Education.

SB 312--Civil and Criminal Jurisprudence.

SB 313--Financial and Governmental Organization.

SB 314--Agriculture, Conservation, Parks and Tourism.

SB 315--Transportation.

SB 316--Local Government and Economic Development.

SB 317--Elections, Pensions and Veterans' Affairs.

SB 318--Aging, Families and Mental Health.

SB 319--Public Health and Welfare.

SB 320--Aging, Families and Mental Health.

SB 321--Transportation.

SB 322--Education.

SB 323--Local Government and Economic Development.

SB 324--Labor and Industrial Relations.

SB 325--Labor and Industrial Relations.

SB 326--Transportation.

SB 327--Corrections and General Laws.

SB 328--Civil and Criminal Jurisprudence.

SB 329--Corrections and General Laws.

SB 330--Financial and Governmental Organization.

SJR 9--Transportation.

SJR 10--Ways and Means.

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Larry Livingston, Bolivar.

Senator Rohrbach introduced to the Senate, 4th grade students from Belair School and their teacher, Terry Heisberger, Jefferson City.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

EIGHTEENTH DAY--THURSDAY, FEBRUARY 6, 1997

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, the Disciples didn't ask Jesus how to work miracles, raise the dead or how to preach great sermons. The only thing they asked Him how to do was to pray. Lord, we are thankful for the gift of prayer. We depend upon our daily contact with You. Use this time to teach us and use us. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Quick announced that photographers from News 30-St. Louis and the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 179, regarding the Ninetieth Birthday of Catherine (Bennett) Halter, Savannah, which was adopted.

Senator Graves offered Senate Resolution No. 180, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harold Kornbrust, Marceline, which was adopted.

Senator Graves offered Senate Resolution No. 181, regarding Mike Kuwitzky, which was adopted.

Senator Singleton offered Senate Resolution No. 182, regarding Home Schooling in Jasper, Newton and McDonald Counties, which was adopted.

Senator Graves offered Senate Resolution No. 183, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ora Snyder, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 184, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Forrest Gilmore, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 185, regarding the Ninety-ninth Birthday of Mr. Carl William Hayzlett, Forest City, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and 1,000 copies ordered printed:

SB 354--By Mathewson.

An Act to repeal sections 313.540 and 313.660, RSMo 1994, relating to off-track pari-mutuel wagering, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

SB 355--By Clay.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to term limits for federal officers.

SB 356--By Clay.

An Act to repeal sections 313.805 and 313.820, RSMo 1994, relating to gaming operations, and to enact in lieu thereof two new sections relating to the same subject.

SB 357--By Howard.

An Act to repeal section 278.080, RSMo Supp. 1996, as enacted by senate bill 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1996, as enacted by senate bill 65 of the first regular session of the eighty-eighth general assembly, relating to the state soil and water districts commission, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 358--By Rohrbach.

An Act to repeal section 210.150, RSMo 1994, relating to the release of records by the division of family services, and to enact in lieu thereof two new sections relating to the same subject.

SB 359--By House.

An Act to repeal sections 513.430, 513.440 and 513.475, RSMo 1994, relating to property exempt from creditors' claims, and to enact in lieu thereof three new sections relating to the same subject.

SB 360--By Caskey.

An Act to repeal sections 160.538, 162.081, 163.036, 165.121, 166.260, 167.131 and 168.221, RSMo 1994, and sections 160.534, 163.011, 163.031, 165.011, 165.111 and 166.300, RSMo Supp. 1996, relating to education, and to enact in lieu thereof twenty-one new sections relating to the same subject.

SB 361--By Caskey.

An Act to repeal sections 193.085, 193.087, 193.145, 193.215, 210.822, 210.826, 210.832, 210.834, 210.839, 210.841, 285.300, 285.302, 285.304, 288.250, 379.116, 451.040, 452.305, 452.315, 452.350, 452.370, 454.410, 454.415, 454.425, 454.440, 454.455, 454.460, 454.465, 454.470, 454.475, 454.485, 454.490, 454.495, 454.496, 454.500, 454.505, 454.512, 454.513, 454.514, 454.515, 454.516, 454.517, 454.518, 454.519, 454.603, 454.808, 486.225 and 620.145, RSMo 1994, sections 454.400, 454.850, 454.855, 454.860, 454.862, 454.867, 454.869, 454.871, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.927, 454.930, 454.932, 454.935, 454.937, 454.940, 454.942, 454.945, 454.947, 454.950, 454.952, 454.955, 454.957, 454.960, 454.962, 454.965, 454.967, 454.970, 454.972, 454.975, 454.977, 454.979 and 454.980, RSMo Supp. 1996, and sections 210.842 and 452.345, as both versions of such sections appear in RSMo Supp. 1996, and to enact in lieu thereof one hundred thirty new sections for the purpose of complying with federal mandates for child support enforcement, with penalty provisions, an effective date for certain sections and an emergency clause.

SB 362--By Russell.

An Act to repeal sections 104.010, 104.340, 104.350, 104.371, 104.372, 104.374, 104.401, 104.420, 104.470, 104.490, 104.519, 104.602, 104.612, 104.620, 105.691, 287.812, 287.835, 287.845, 476.480, 476.520, 476.530, 476.555, 476.580 and 476.595, RSMo 1994, and sections 104.312, 104.335, 104.395, 104.410, 104.517, 104.530, 104.800, 476.515 and 476.690, RSMo Supp. 1996, relating to certain state retirement systems, and to enact in lieu thereof thirty-three new sections relating to the same subject.

SB 363--By Kinder.

An Act to repeal sections 67.781, 67.782, 67.783, 67.785, 67.788 and 67.789, RSMo 1994, relating to the county recreational system act, and to enact in lieu thereof six new sections relating to the same subject.

SB 364--By Maxwell.

An Act to amend chapter 650, RSMo, relating to the establishment of a committee for 911 service oversight.

SB 365--By Flotron.

An Act to repeal sections 166.200, 166.201, 166.203, 166.207, 166.215, 166.218, 166.220, 166.225, 166.228, 166.231, 166.233, 166.237 and 166.242, RSMo 1994, and section 166.205, RSMo Supp. 1996, relating to college savings plans, and to enact in lieu thereof thirteen new sections relating to the same subject.

SJR 11--By Maxwell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 37(e) of article III of the Constitution of Missouri relating to powers of the legislature by adding thereto three new sections relating to the issuance of bonds for water pollution control.

SJR 12--By Curls.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 11(b) of article X of the constitution of Missouri relating to the approval of tax rates for school districts, and adopting two new sections in lieu thereof relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 121** be taken up for perfection, which motion prevailed.

Senator Caskey offered **SS** for **SB 121**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 121

An Act to repeal section 307.178, RSMo 1994, relating to motor vehicle safety requirements, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Senator Caskey moved that **SS** for **SB 121** be adopted.

Senator Wiggins assumed the Chair.

Senator Lybyer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 121, Page 2, Section 307.178, Lines 7-8, by striking the words ", **other than a driver who is not wearing a properly adjusted and fastened safety belt**,".

Senator Lybyer moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Johnson, Childers, Rohrbach and Westfall.

Senator Childers offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 121, Page 2, Section 307.178, Line 7, by deleting the new underlined language on lines 7 and 8; and further amend said section, line 12, by deleting the brackets on said line and by deleting the new underlined language on lines 12 through 21.

Senator Childers moved that the above substitute amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1** and was joined in his request by Senators Clay, Banks, Johnson and Russell.

SSA 1 for **SA 1** failed of adoption by the following vote:

Yeas--Senators

Bentley	Childers	Jacob	Mueller
Rohrbach	Russell	Schneider--7	

Nays--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer

Mathewson	Maxwell	McKenna	Quick
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--26		

Absent--Senators--None

Absent with leave--Senators--Scott--1

SA 1 was again taken up.

SA 1 was adopted by the following vote:

Yeas--Senators

Bentley	Childers	Clay	Flotron
Graves	Howard	Jacob	Kenney
Kinder	Lybyer	Maxwell	McKenna
Mueller	Rohrbach	Russell	Schneider
Sims	Singleton--18		

Nays--Senators

Banks	Caskey	Curls	DePasco
Ehlmann	Goode	House	Johnson
Klarich	Mathewson	Quick	Staples
Westfall	Wiggins	Yeckel--15	

Absent--Senators--None

Absent with leave--Senators--Scott--1

At the request of Senator Caskey, **SB 121**, with **SS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of James L. Gray, III for the Board of Pharmacy, submitted to you on January 21, 1997. Line 3 should be amended to read:

for a term ending January 21, 1999

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Thomas M. Gialde for the Board of Pharmacy, submitted to you on January 21, 1997. Line 3 should be amended to read:

for a term ending January 21, 2001

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Martin H. Michel for the Board of Pharmacy, submitted to you on January 21, 1997. Line 3 should be amended to read:

for a term ending January 21, 2000

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above addendums to the Committee on Gubernatorial Appointments.

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

February 5, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 8, 1997 for your advice and consent.

Cathy Pribyl, RN, MN, 500 20th Avenue South, Greenwood, Jackson County, Missouri 64034, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until her successor is duly appointed and qualified; vice, Laurie Gehrke, resigned.

Most sincerely,

MEL CARNAHAN

Governor

President Pro Tem McKenna moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Richard C. Robinson, as a member of the Missouri Board of Barber Examiners;

Also,

Patricia D. Hoskins, as a member of the Missouri Community Service Commission;

Also,

Anne S. Deaton, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

Muriel W. Battle, as a member of the Children's Trust Fund Board.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments which motion prevailed.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 186, regarding Walter E. Buck, Raymore, which was adopted.

Senator Graves offered Senate Resolution No. 187, regarding the Ninetieth Birthday of Edna Rogers, Helena, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Andy Lavalley and Robert E. Smith, Springfield.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, February 10, 1997.

Journal of the Senate

FIRST REGULAR SESSION

NINETEENTH DAY--MONDAY, FEBRUARY 10, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Zechariah, in the Old Testament wrote, "Here is Your part, Tell the truth. Be fair. Live at peace with everyone." Lord, we could ask for nothing more from our neighbors or expect anything less from ourselves. We pray that it will be so. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 6, 1997, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Curls--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 188, regarding David E. Martin, Belton, which was adopted.

Senator Caskey offered Senate Resolution No. 189, regarding Robert J. Frank, Raymore, which was adopted.

Senator Graves offered Senate Resolution No. 190, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Keith Stanton, Savannah, which was adopted.

Senator McKenna offered Senate Resolution No. 191, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Robert L. Shelley, Sr., Affton, which was adopted.

Senator Kenney offered Senate Resolution No. 192, regarding the Sixty- fifth Wedding Anniversary of Mr. and Mrs. Harvey Whiting, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 193, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wayne Shakespeare, which was adopted.

Senator Kenney offered Senate Resolution No. 194, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Sidney Hampton, Independence, which was adopted.

Senator Schneider offered Senate Resolution No. 195, regarding the One Hundred Third Birthday of Mildred C. Graham, Florissant, which was adopted.

Senator Graves offered Senate Resolution No. 196, regarding the Ninetieth Birthday of Ralph Kneale, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 197, regarding Shanee Perkins, Green City, which was adopted.

Senator Graves offered Senate Resolution No. 198, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. J.C. "Jake" Symmonds, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 199, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Victor Hatcher, Harris, which was adopted.

Senator Graves offered Senate Resolution No. 200, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Gary Hostetter, Milan, which was adopted.

Senator Graves offered Senate Resolution No. 201, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Hugh Wallace, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 202, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dewaine W. Swarengen, Browning, which was adopted.

Senator Graves offered Senate Resolution No. 203, regarding the Forty- fifth Wedding Anniversary of Mr. and Mrs. Lewis Kimberling, Jamesport, which was adopted.

Senator Graves offered Senate Resolution No. 204, regarding Irene Persell, Washington, which was adopted.

Senator Graves offered Senate Resolution No. 205, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carl Meek, Maysville, which was adopted.

Senator Graves offered Senate Resolution No. 206, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Earl Peregrine, Elmo, which was adopted.

Senators Maxwell and Caskey offered Senate Resolution No. 207, regarding the death of Dr. Gilbert C. Kohlenberg, Bunker Hill, which was adopted.

Senator McKenna offered Senate Resolution No. 208, regarding Beth Remming, which was adopted.

Senator McKenna offered Senate Resolution No. 209, regarding Jedda Farrell, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 366--By Maxwell.

An Act to repeal sections 205.969, 205.970 and 205.971, RSMo 1994, and section 205.968, RSMo Supp. 1996, relating to services for persons with developmental disabilities, and to enact four new sections relating to the same subject.

SB 367--By Caskey.

An Act to repeal section 217.705, RSMo 1994, and sections 565.084 and 571.030, RSMo Supp. 1996, relating to probation and parole officers, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

SB 368--By Caskey.

An Act to repeal section 140.170, RSMo Supp. 1996, relating to delinquent property taxes, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 369--By Russell and Westfall.

An Act relating to a prohibition on the tattooing or body piercing of a minor without the consent of such minor's parent or guardian, with a penalty provision.

SB 370--By DePasco.

An Act to repeal sections 115.013 and 115.379, RSMo 1994, and sections 115.127, 115.359, 115.361, 115.363 and 115.373, RSMo Supp. 1996, relating to elections, and to enact in lieu thereof seven new sections relating to the same subject.

SB 371--By Quick.

An Act relating to certain road districts.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 16**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 16

An Act to repeal sections 105.450, 105.472, 105.492, 105.957, 105.959, 105.961, 105.963, 105.969, 130.016, 130.021, 130.031, 130.032, 130.036, 130.038, 130.053, 130.054 and 130.056, RSMo 1994, and sections 105.483, 105.487, 130.011, 130.034, 130.041, 130.046, 130.052, 130.100, 130.120, 130.130 and 130.140, RSMo Supp. 1996, relating to elections, and to enact in lieu thereof twenty-two new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 16** be adopted.

Senator Johnson assumed the Chair.

Senator Mathewson offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 16, Page 5, Section 105.483, Line 38, by striking the word "**official**" and inserting the word "**office**"; and

Further amend said bill, Page 36, Section 130.021, Line 151, by inserting immediately after all of said line the following:

"11. If a committee domiciled in this state receives a contribution of five thousand dollars or more from any committee domiciled outside this state, the committee domiciled in this state shall file a disclosure report with the Missouri ethics commission. The report shall disclose the full name, mailing address, telephone numbers and domicile of the committee domiciled outside this state and the date and amount of the contribution. The report shall be filed within forty-eight hours of the receipt of such contribution."; and

Further amend said bill, Page 57, Section 130.054, Line 1, by inserting immediately before said line the following:

"130.051. 1. Any person who is not a defined committee who makes an expenditure or expenditures aggregating five hundred dollars or more in support of or opposition to one or more candidates or in support of or in opposition to the qualification or passage of one or more ballot measures, other than a contribution made directly to a candidate or committee, shall file a report signed by the person making the expenditure, or that person's authorized agent, disclosing the name and address of the person making the expenditure, the date and amount of the expenditure or expenditures, the name and address of the payee, and a description of the nature and purpose of each expenditure. Such report shall be filed with the appropriate officer for the candidate or ballot measure in question as set forth in section 130.026 within fourteen days after the date of making an expenditure which by itself or when added to all other such expenditures during the same campaign equals five hundred dollars or more. If, after filing such report, additional expenditures are made, a further report shall be filed at the date set forth in section 130.046 for any reporting period in which the additional expenditures are made; except that, if any such expenditure amounting to five hundred dollars or more is made within fourteen days prior to an election, the report shall be filed within forty-eight hours after the date of such expenditure. The provisions of this subsection shall not apply to a person who uses only its funds or resources to make an expenditure or expenditures in support of or in coordination or consultation with a candidate or committee, provided that any such expenditure is recorded as a contribution to that candidate or committee and so reported by the candidate or committee being supported by the expenditure or expenditures.

2. The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity, except a committee as defined in section 130.011, of information advocating the election or defeat of a candidate or the passage or defeat of a ballot measure to its members, employees or shareholders, the cost of which is more than two thousand dollars in support of or in opposition to one or more candidates or in support of or in opposition to the qualification or passage of one or more ballot measures in a calendar year, other than a contribution made directly to a candidate or committee, shall be reported in a report signed by the person responsible for making the expenditure, or that person's authorized agent, disclosing the name and address of the person making the expenditure, the date and amount of the expenditure or expenditures, the name and address of the payee, and a description of the nature and purpose of the dissemination of information. Such report shall be filed with the appropriate officer for the candidate or ballot measure in question as set forth in section 130.026 within fourteen days after the date of making an expenditure. If, after filing such report, additional expenditures are made, a further report shall be filed at the date set forth in section 130.046 for any reporting period in which the additional expenditures are made; except that, if any such expenditure amounting to five hundred dollars or more is made within fourteen days prior to an election, the report shall be filed within forty-eight hours after the date of such expenditure.

3. An out-of-state committee which, according to the provisions of subsection 10 of section 130.021, is not required to file a statement of organization and is not required to file the full disclosure reports required by section 130.041 shall file reports with the Missouri ethics commission according to the provisions of this subsection if the committee makes

contributions or expenditures in support of or in opposition to candidates or ballot measures in this state in any election covered by this chapter or makes contributions to any committee domiciled in this state. An initial report shall be filed on or within fourteen days prior to the date such out-of-state committee first makes a contribution or expenditure in this state, and thereafter reports shall be filed at the times and for the reporting periods prescribed in subsection 1 of section 130.046. Each report shall contain:

(1) The full name [and], address **and domicile** of the committee making the report and the name, residential and business addresses [and], telephone numbers **and domicile** of the committee's treasurer;

(2) The name and address of any entity such as a labor union, trade or business or professional association, club or other organization, or any business entity with which the committee is affiliated;

(3) A statement of the total dollar amount of all funds received by the committee in the current calendar year and a statement of the total contributions in the same period from persons domiciled in this state and a list by name, address, date and amount of each Missouri resident who contributed an aggregate of more than two hundred dollars in the current calendar year;

(4) A list by name, address, date and amount regarding any contributor to the out-of-state committee, regardless of state of residency, who made a contribution during the reporting period which was restricted or designated in whole or in part for use in supporting or opposing a candidate, ballot measure or committee in this state or was restricted for use in this state at the committee's discretion, or a statement that no such contributions were received;

(5) A statement as to whether the committee is required to file reports with the Federal Election Commission, and a listing of agencies in other states with whom the committee files reports, if any;

(6) A separate listing showing contributions made in support of or opposition to each candidate or ballot measure in this state, together with the date and amount of each contribution[.]; **and**

(7) A separate listing showing contri-butions made to any committee domiciled in this state with the date and amount of each contribution.

4. In the case of a political party committee's selection of an individual to be the party's nominee for public office in an election covered by this chapter any individual who seeks such nomination and who is a candidate according to the definition of the term "candidate" in section 130.011 shall be required to comply with all requirements of this chapter; except that, for the purposes of this subsection, the reporting dates and reporting periods in section 130.046 shall not strictly apply, and the first reporting date shall be no later than the fifteenth day after the date on which a nomination covered by this subsection was made and for the period beginning on the date the individual became a candidate, as the term "candidate" is defined in section 130.011, and closing on the tenth day after the date the nomination was made, with subsequent reports being made as closely as practicable to the times required in section 130.046.

5. If a candidate committee under the control or direction of an incumbent officeholder collects receipts or makes disbursements to defray expenses incidental to that individual's seeking any office or position arising out of or in conjunction with the holding of the public office, including a post selected by the members of a legislative body, the committee shall in addition to other reports required by this chapter file a report containing information as required by section 130.041 by the seventh day prior to the caucus or meeting at which such an office or position is filled, complete through the twelfth day prior to such meeting.

6. The receipt of any late contribution or loan of more than one thousand dollars by a candidate committee supporting a candidate for statewide office or more than five hundred dollars by any other committee shall be reported to the appropriate officer within forty-eight hours after receipt. For the purpose of this subsection the term "late contribution or loan" means a contribution or loan received after the closing date of the last disclosure report required to be filed before an election but received prior to the date of the election itself. The disclosure report of a late contribution may be made by any written means of communication, setting forth the name and address of the contributor or lender and the amount of the contribution or loan and need not contain the signatures and certification required for a full disclosure report described in section 130.041. A late contribution or loan shall be included in subsequent disclosure

reports without regard to any special reports filed pursuant to this subsection."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted.

Senator Flotron offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 16, Page 1, Section 130.021, Line 11, by adding before the ".", the following "for contributions not included in the last reporting date prior to the election".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2** to **SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 16, Page 1, Line 5, by deleting the word "five" and in its place put the word "one".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Johnson resumed the Chair.

SA 1, as amended, was again taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 16, Page 35, Section 130.021, Line 140, by striking all of said line and inserting in lieu thereof the following: "**10.**"; and further amend line 141, by striking all of said line and inserting in lieu thereof the following: "**A committee domiciled outside this state shall be**"; and further amend line 142, by striking the word "nor" and inserting in lieu thereof the following: "**and**"; and further amend line 143, by striking "nor" and inserting in lieu thereof the following: "**and**"; and further amend line 146, by striking "does not exceed" and inserting in lieu thereof the following: "**exceeds**"; and further amend Pages 35 and 36, lines 150 and 151, by striking "does not exceed" and by inserting in lieu thereof the following: "**exceeds**".

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 16, Page 1, In the Title, Line 5, by inserting after "130.034,"

the following: "130.037,"; and

Further amend said bill, Page 1, In the Title, Line 7, by striking the word "twenty-two" and inserting in lieu thereof "twenty-three"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after "130.034," the following: "130.037,"; and

Further amend said bill, Page 1, Section A, Line 6, by striking the word "twenty-two" and inserting in lieu thereof "twenty-three"; and

Further amend said bill, Page 1, Section A, Line 9, by inserting after "130.036," the following: "130.037,"; and

Further amend said bill, Page 47, Section 130.036, Line 87, by inserting immediately after all of said line the following:

"130.037. Candidates whose report filed pursuant to subdivision 3 of subsection 1 of section 130.046 reflects outstanding obligations in excess of moneys on hand, may convert their campaign committee to a debt service committee as provided in this section. If a debt service committee is formed, the committee may accept contributions from any person as long as the aggregate contribution from such person does not exceed the limits set for the election cycle, pursuant to section 130.032, for the election cycle in which the debt was incurred. A person who contributes to a debt service committee of a candidate may also contribute to the candidate's campaign committee for a succeeding election up to the amounts specified in section 130.032.

[130.037. 1. Notwithstanding other provisions of the law to the contrary, any person who was a candidate at an election held on or before November 8, 1994, may form two candidate committees if that person's candidate committee reported outstanding obligations in excess of moneys on hand on the first report submitted pursuant to section 130.041 after November 8, 1994. One such committee shall be dedicated solely to raising moneys to pay off outstanding obligations of the candidate. The committee may accept funds from the candidate committee to pay off outstanding obligations. The committee may not engage in activities in support of the candidate for which it was formed, other than activities directly related to the retirement of debt. The committee may not contribute moneys to any other committee and may not make direct expenditures on behalf of any ballot issue. It may raise funds to retire the candidate's debt under the provisions of law in effect prior to November 8, 1994, so long as those contributions are expressly made to retire outstanding debt and are applied toward retiring such debt, but otherwise the provisions of this chapter apply. The treasurer and the candidate shall terminate the committee pursuant to section 130.021 within thirty days of its payment of the outstanding debt.

2. If a candidate has formed or forms a candidate committee to raise funds for a future election, that committee may accept contributions in the amount authorized by law and may use any contributions received for any purpose lawful under this chapter, except the payment of debt incurred before November 8, 1994. Moneys in the official depository accounts of the two committees cannot be commingled.

3. The provisions of this section shall expire December 31, 1996.]".

Senator Goode moved that the above amendment be adopted.

Senator Banks assumed the Chair.

Senator Howard offered SSA 1 for SA 3:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 16, Page 1, In the Title, Line 5, by inserting after "130.034," the following: "130.037,"; and

Further amend said bill, Page 1, In the Title, Line 7, by striking the word "twenty-two" and inserting in lieu thereof "twenty-three"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after "130.034," the following: "130.037,"; and

Further amend said bill, Page 1, Section A, Line 6, by striking the word "twenty-two" and inserting in lieu thereof "twenty-three"; and

Further amend said bill, Page 1, Section A, Line 9, by inserting after "130.036," the following: "130.037,"; and

Further amend said bill, Page 47, Section 130.036, Line 87, by inserting immediately after all of said line the following:

"130.037. Candidates whose report filed pursuant to subdivision 3 of subsection 1 of section 130.046 reflects outstanding obligations in excess of moneys on hand, may convert their campaign committee to a debt service committee as provided in this section. If a debt service committee is formed, the committee may accept contributions from any person as long as the aggregate contribution from such person does not exceed the limits set for the election cycle, pursuant to section 130.032, for the election cycle in which the debt was incurred. A person who contributes to a debt service committee of a candidate may also contribute to the candidate's campaign committee for a succeeding election up to the amounts specified in section 130.032. The treasurer and the candidate shall terminate the debt service committee pursuant to section 130.021 within thirty days of its payment of the outstanding debt. No transfer of funds shall be made from the debt service committee to any other committee except upon termination of the debt service committee.

[130.037. 1. Notwithstanding other provisions of the law to the contrary, any person who was a candidate at an election held on or before November 8, 1994, may form two candidate committees if that person's candidate committee reported outstanding obligations in excess of moneys on hand on the first report submitted pursuant to section 130.041 after November 8, 1994. One such committee shall be dedicated solely to raising moneys to pay off outstanding obligations of the candidate. The committee may accept funds from the candidate committee to pay off outstanding obligations. The committee may not engage in activities in support of the candidate for which it was formed, other than activities directly related to the retirement of debt. The committee may not contribute moneys to any other committee and may not make direct expenditures on behalf of any ballot issue. It may raise funds to retire the candidate's debt under the provisions of law in effect prior to November 8, 1994, so long as those contributions are expressly made to retire outstanding debt and are applied toward retiring such debt, but otherwise the provisions of this chapter apply. The treasurer and the candidate shall terminate the committee pursuant to section 130.021 within thirty days of its payment of the outstanding debt.

2. If a candidate has formed or forms a candidate committee to raise funds for a future election, that committee may accept contributions in the amount authorized by law and may use any contributions received for any purpose lawful under this chapter, except the payment of debt incurred before November 8, 1994. Moneys in the official depository accounts of the two committees cannot be commingled.

3. The provisions of this section shall expire December 31, 1996.]".

Senator Howard moved that the above substitute amendment be adopted.

Senator Singleton offered SA 1 to SSA 1 for SA 3, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Committee Substitute for Senate

Bill No. 16, by adding on page 2, line 9 following the period "the debt service committee cannot accept monies in excess for that election cycle debt for which the committee was established."; and further deleting remaining new language lines 9, 10 and 11 including period.

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Mathewson, **SB 16**, with **SCS, SA 3, SSA 1** for **SA 3** and **SA 1** to **SSA 1** for **SA 3** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 175**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 175, Page 3, Section 247.220, Line 58, by striking the beginning bracket and closing bracket on said line; and further amend said line by striking "**two-thirds**"; and

Further amend said bill, Line 65 by placing an opening bracket "[" immediately before and a closing bracket "]" immediately after "two-thirds"; and inserting in lieu thereof "**four-sevenths**".

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 164**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 112**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 189**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 12**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 17**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SB 169**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert L. Abernathy, 102 N. Tracy Drive, Clinton, Henry County, Missouri 64735, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund, for a term ending February 6, 2001, and until his successor is duly appointed and qualified; vice, RSMo 319.29.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William C. Brandes, 415 Lennox Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until his successor is duly appointed and qualified; vice, Thomas Lagerman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sam K. Carter, 6133 N. Hull, Kansas City, Platte County, Missouri 64151, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund, for a term ending February 6, 2001, and until his successor is duly appointed and qualified; vice, RSMo 319.29.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William H. Creech, III, 729 Highway H, Troy, Lincoln County, Missouri 63379, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund, for a term ending February 6, 2000, and until his successor is duly appointed and qualified; vice, RSMo 319.29.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Neal A. Gibbons, 916 East Baker Drive, Kennett, Dunklin County, Missouri 63857, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund, for a term ending February 6, 1999, and until his successor is duly appointed and qualified; vice, RSMo 319.29.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald L. Shaikewitz, 11035 Graeser Lane, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund, for a term ending February 6, 2000, and until his successor is duly appointed and qualified; vice, RSMo 319.29.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Norman J. Tice, 10365 Schuessler Road, St. Louis, St. Louis County, Missouri 63128, as a member of the Bi-State Development Agency, for a term ending November 10, 2000, and until his successor is duly appointed and qualified; vice, Milton Svetanics, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kennard O. Whitfield, 507 Hinsdale Court, Rock Hill, St. Louis County, Missouri 63199, as a member of the Seismic Safety Commission, for a

term ending August 11, 2000, and until his successor is duly appointed and qualified; vice, Marjorie B. Schramm, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

G. Brad Williams, Post Office Box 372, Eminence, Shannon County, Missouri 65466, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund, for a term ending February 6, 1998, and until his successor is duly appointed and qualified; vice, RSMo 319.29.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 14**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 372--By Rohrbach and Scott.

An Act to amend chapter 536, RSMo, by adding thereto one new section relating to administrative rules.

SB 373--By Bentley.

An Act to repeal section 197.415, RSMo 1994, relating to licensing of home health agencies, and to enact in lieu thereof one new section relating to the same subject.

SB 374--By McKenna and DePasco.

An Act to repeal sections 115.019, 115.045, 115.085, 115.115, 115.117, 115.129, 115.163, 115.317, 115.387, 115.389, 115.453, 115.479, 115.495, 115.507, 115.511, 115.600, 115.601, 115.619, 115.621, 115.631 and 115.635, RSMo 1994, and sections 115.023 and 247.180, RSMo Supp. 1996, relating to elections, and to enact twenty-three new sections relating to the same subject, with penalty provisions.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 331--Ways and Means.

SB 332--Ways and Means.

SB 333--Labor and Industrial Relations.

SB 334--Transportation.

SB 335--Ways and Means.

SB 336--Corrections and General Laws.

SB 337--Corrections and General Laws.

SB 338--Judiciary.

SB 339--Ways and Means.

SB 340--Financial and Governmental Organization.

SB 341--Education.

SB 342--Commerce and Environment.

SB 343--Corrections and General Laws.

SB 344--Corrections and General Laws.

SB 345--Corrections and General Laws.

SB 346--Corrections and General Laws.

SB 347--Public Health and Welfare.

SB 348--Judiciary.

SB 349--Insurance and Housing.

SB 350--Elections, Pensions and Veterans' Affairs.

SB 351--Insurance and Housing.

SB 352--Local Government and Economic Development.

SB 353--Agriculture, Conservation, Parks and Tourism.

SB 354--Corrections and General Laws.

SB 355--Elections, Pensions and Veterans' Affairs.

SB 356--Corrections and General Laws.

SB 357--Agriculture, Conservation, Parks and Tourism.

SB 358--Aging, Families and Mental Health.

SB 359--Financial and Governmental Organization.

SB 360--Education.

SB 362--Elections, Pensions and Veterans' Affairs.

SB 363--Local Government and Economic Development.

SB 364--Local Government and Economic Development.

SB 365--Education.

SJR 11--Appropriations.

SJR 12--Education.

REFERRALS

President Pro Tem McKenna referred **SB 216** to the Committee on State Budget Control.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 210, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Leonard Bryant, Seneca, which was adopted.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTIETH DAY--TUESDAY, FEBRUARY 11, 1997

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, use us to reach out to the children of our state who are unwanted, neglected and abused. Use us to bring equality of opportunity to all of our people. Bless our efforts to reach out to those who need our help. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Quick announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Curls--1

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 211, regarding Joseph Roger Billings, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 212, regarding John Andrew Billings, Independence, which was

adopted.

Senator Kenney offered Senate Resolution No. 213, regarding Jonathan Bradley Lightner, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 214, regarding Jonathan Wade (Jon Bob) Thomas, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 215, regarding Aaron Paul Cherry, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 216, regarding Joshua Paul Merkley, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 217, regarding Steven Reid Merkley, Independence, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 375--By Mathewson.

An Act to repeal sections 409.301, 409.403 and 409.415, RSMo 1994, and sections 409.201, 409.202, 409.203 and 409.401, RSMo Supp. 1996, relating to the Missouri uniform securities act, and to enact in lieu thereof eight new sections relating to the same subject.

SB 376--By Russell.

An Act to amend chapter 306, RSMo, by adding thereto five new sections relating to the regulation of vessels with penalty provisions.

SB 377--By Jacob.

An Act to repeal section 105.010, RSMo 1994, relating to public officers and employees, and to enact in lieu thereof one new section relating to the same subject.

SB 378--By Jacob.

An Act to repeal section 313.005, RSMo 1994, and sections 313.040 and 313.057, RSMo Supp. 1996, relating to bingo, and to enact in lieu thereof three new sections relating to the same subject.

SB 379--By Caskey.

An Act to repeal section 135.208, RSMo 1994, relating to enterprise zones, and to enact in lieu thereof one new section relating to the same subject.

SB 380--By Howard.

An Act to repeal section 630.003, RSMo 1994, relating to the state mental health commission, and to enact in lieu thereof one new section relating to the same subject.

SB 381--By Howard.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to testing for HIV and aids.

SB 382--By Maxwell.

An Act to repeal section 197.313, RSMo Supp. 1996, relating to residential care facilities, and to enact in lieu thereof one new section relating to the same subject.

SJR 13--By DePasco, Rohrbach and McKenna.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri relating to initiative petitions, and adopting one new section in lieu thereof relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 16**, with **SCS, SA 3, SSA 1 for SA 3 and SA 1 to SSA 1 for SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Singleton, **SA 1 to SSA 1 for SA 3** was withdrawn.

SSA 1 for SA 3 was again taken up.

At the request of Senator Howard, **SSA 1 for SA 3** was withdrawn.

Senator Wiggins assumed the Chair.

Senator Howard offered **SSA 2 for SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 16, Page 47, Section 130.036, Line 87, by inserting immediately after all of said line the following:

"130.037. Any candidate may file a supplemental report containing information required pursuant to section 130.041, for the purposes of this section. Candidates whose supplemental report filed within thirty days of the effective date of this act or whose report filed pursuant to subdivision 2 of subsection 1 of section 130.046 reflects outstanding obligations in excess of moneys on hand, may convert their campaign committee to a debt service committee as provided in this section. If a debt service committee is formed, the committee may accept contributions from any person as long as the aggregate contribution from such person does not exceed the limits set, pursuant to section 130.032, for the election cycle in which the debt was incurred. A person who contributes to a debt service committee of a candidate may also contribute to the candidate's campaign committee for a succeeding election up to the amounts specified in section 130.032. The treasurer and the candidate shall terminate the debt service committee pursuant to section 130.021 when the contributions received exceeds the amount of the debt, and within thirty days the committee shall file disclosure reports pursuant to section 130.041 and shall return any excess moneys received to the contributor or contributors, if known, otherwise such moneys shall escheat to the state.

[130.037. 1. Notwithstanding other provisions of the law to the contrary, any person who was a candidate at an election held on or before November 8, 1994, may form two candidate committees if that person's candidate committee reported outstanding obligations in excess of moneys on hand on the first report submitted pursuant to section 130.041 after November 8, 1994. One such committee shall be dedicated solely to raising moneys to pay off outstanding obligations of the candidate. The committee may accept funds from the candidate committee to pay off outstanding obligations. The committee may not engage in activities in support of the candidate for which it was formed, other than activities directly related to the retirement of debt. The committee may not contribute moneys to any other committee and may not make direct expenditures on behalf of any ballot issue. It may raise funds to retire the candidate's debt

under the provisions of law in effect prior to November 8, 1994, so long as those contributions are expressly made to retire outstanding debt and are applied toward retiring such debt, but otherwise the provisions of this chapter apply. The treasurer and the candidate shall terminate the committee pursuant to section 130.021 within thirty days of its payment of the outstanding debt.

2. If a candidate has formed or forms a candidate committee to raise funds for a future election, that committee may accept contributions in the amount authorized by law and may use any contributions received for any purpose lawful under this chapter, except the payment of debt incurred before November 8, 1994. Moneys in the official depository accounts of the two committees cannot be commingled.

3. The provisions of this section shall expire December 31, 1996.]" and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above substitute amendment be adopted, which motion prevailed.

Senator Howard offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 16, Page 53, Section 130.046, Line 60, by inserting immediately after the word "September." the following: **"A continuing committee shall submit additional reports if it makes an expenditure, other than contributions to a committee, if the expenditure is five hundred dollars or more and if the expenditure is intended or may affect the election of any candidate or any ballot measure, within the reporting period at the following times for the following periods:**

(1) Not later than the seventh day before an election for the period closing on the twelfth day before the election;

(2) Not later than forty-eight hours after any expenditure of five hundred dollars or more made after the twelfth day before the election; and

(3) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election.

Such reports shall include disclosure information identifying any contribution made by any person, including a committee, to such continuing committee which is intended to be included in such expenditure. Such disclosure information shall conform with the content requirements of section 130.041."

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 16, Page 47, Section 130.038, Line 1, by placing an opening bracket "[" before the number "130.038."; and

Further amend said bill, Page 48, Section 130.038, Lines 32 & 33 by striking the following: "[7] 6" and inserting in lieu thereof the following: "7"; and

Further amend said bill, Page 48, Section 130.038, Line 33, by placing a closing bracket "]" after the following "130.032."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 16, Page 45, Section 130.036, Line 33, by inserting after the word "shall" the following: "**exercise due diligence to obtain and shall**"; and

Further amend said bill, section and page, line 36, by striking the words "twenty-five" and inserting in lieu thereof the following: "**one hundred**".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 16, Page 61, Section 130.056, Line 102, by inserting immediately after all of said line the following:

"Section 1. The ethics commission shall print and make available a summary of all laws over which the commission has enforcement powers pursuant to chapters 105 and 130, RSMo. Such summary shall be in plain English and compiled to put individuals on notice of such laws."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Mueller offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 16, Page 41, Section 130.032, Line 3, by inserting immediately after the word "person" the following: "**including a political party committee**"; and

Further amend said bill and section, pages 42-43, lines 48-65, by striking all of said lines; and

Further amend said section by renumbering the remaining subsections accordingly.

Senator Mueller moved that the above amendment be adopted.

Senator Flotron offered **SSA 1** for **SA 8**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 16, Page 16, Section 130.052, Line 1, by inserting immediately before said line the following:

"Section 1. The provisions of section 130.032 shall terminate on December 31, 1998."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above substitute amendment be adopted.

At the request of Senator Flotron, **SSA 1** for **SA 8** was withdrawn.

At the request of Senator Mueller, **SA 8** was withdrawn.

Senator Maxwell offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bill No. 16, Page 11, Section 105.961, Line 27, by inserting immediately after "commission," the following: "**if it has sufficient funds appropriated to pay a special prosecutor**"; and further amend line 30, by inserting immediately after the word "the" the following: "**presiding judge of the circuit**"; and further amend lines 34-35, by striking the following: ", and who shall be compensated as provided in section 56.130, RSMo"; and further amend line 37, by striking the word "sixty" and inserting in lieu thereof the word "**ninety**"; and further amend line 42, by striking the beginning bracket "["; and further amend line 43, by striking the closing bracket "]" and inserting in lieu thereof the following: "**If the commission does not have sufficient funds to pay a special prosecutor, the commission shall refer the case to the prosecutor or prosecutors having criminal jurisdiction.**".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bill No. 16, Page 61, Section 130.052, Line 1, by inserting immediately before said line the following:

"Section 1. The provisions of Section 130.032 shall terminate on December 31, 1998."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

At the request of Senator Mathewson, **SB 16**, with **SCS** and **SA 10** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 14--Appropriations.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 383--By Caskey.

An Act to repeal sections 195.010, 195.040, 195.060, 195.070, 195.080, 195.100, 195.110, 195.197, 195.204, 195.400 and 195.410, RSMo 1994, and sections 195.017, 195.030 and 570.030, RSMo Supp. 1996, relating to controlled substances, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

SB 384--By Flotron and McKenna.

An Act to repeal section 311.300, RSMo Supp. 1996, relating to certain businesses licensed to sell intoxicating liquor or nonintoxicating beer, and to enact in lieu thereof one new section relating to the same subject.

SB 385--By Schneider.

An Act to amend chapter 311, RSMo, by adding thereto fourteen new sections relating to wholesalers and brewers of beer.

SB 386--By Schneider, McKenna, Howard and Ehlmann.

An Act to repeal section 536.024, RSMo Supp. 1996, relating to administrative procedures, and to enact in lieu thereof one new section relating to the same subject.

SB 387--By Schneider.

An Act to repeal section 528.600, RSMo 1994, relating to the sale of certain property, and to enact in lieu thereof one new section relating to the same subject.

SB 388--By Maxwell.

An Act to repeal section 163.036, RSMo 1994, and sections 160.534, 163.011, 163.021, 165.011 and 166.300, RSMo Supp. 1996, relating to capital projects in school districts, and to enact in lieu thereof seven new sections relating to the same subject.

SJR 14--By Schneider, Klarich, McKenna, Maxwell and Ehlmann.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri by adding thereto one new section relating to powers of the legislature.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 218, regarding Jean Wallace, Windsor, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Lybyer introduced to the Senate, Amber and representatives of Boys and Girls Town of Missouri.

On behalf of Senators Bentley, Childers, Westfall and himself, Senator Singleton introduced to the Senate, representatives of Boys Town, Springfield; Cory Danner, Joplin; David Moore and Tanya Ledgerwood, Mountain View; Carl Delcour, Daniel Bedell and Anne Tucker, Springfield; and Brice Harley, Poplar Bluff.

Senator Lybyer introduced to the Senate, twenty-nine eighth grade students from Raymondville School District R-7, Raymondville; and Ryan Kell, Stanley Smith, Lyndsey Strahan and Renee Erbschloe were made honorary pages.

Senator Clay introduced to the Senate, Joe Hunt and Francis Slay, St. Louis.

Senator Wiggins introduced to the Senate, Julie Walton, Karen Heflin, Shannon Stadler, Jane Gibler, Bar Kaelter and Lynn Smith, Kansas City.

Senator Caskey introduced to the Senate, Jana Miller, Warrensburg.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIRST DAY--WEDNESDAY, FEBRUARY 12, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we meet a lot of important people, discover a multitude of information and have so many experiences. There is no fact, no person or any event that can compare with our daily walk with You. We offer praise for Your Presence among us and ask for Your guidance. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Curls--1

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 219, regarding St. Luke's Hospital, Kansas City, which was adopted.

Senator Graves offered Senate Resolution No. 220, regarding Camron Hull, Washington, which was adopted.

Senator Graves offered Senate Resolution No. 221, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Harold Palmer, Meadville, which was adopted.

Senator Graves offered Senate Resolution No. 222, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Leonard Jones, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 223, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Lightner, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 224, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Walter Nicholson, Hopkins, which was adopted.

Senator Graves offered Senate Resolution No. 225, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Donald Keever, Skidmore, which was adopted.

Senator Graves offered Senate Resolution No. 226, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Wilbur Eulinger, Maysville, which was adopted.

Senator Graves offered Senate Resolution No. 227, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Willis Ginn, Maysville, which was adopted.

Senator Graves offered Senate Resolution No. 228, regarding the Ninetieth Birthday of Kenneth Clizer, Savannah, which was adopted.

Senator Graves offered Senate Resolution No. 229, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Sam Jameson, King City, which was adopted.

Senator Graves offered Senate Resolution No. 230, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glenn McClellan, Pharr, Texas, which was adopted.

Senator Graves offered Senate Resolution No. 231, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dean Kimberling, Jamesport, which was adopted.

Senator Graves offered Senate Resolution No. 232, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Leland Linebaugh, Bynumville, which was adopted.

Senator Graves offered Senate Resolution No. 233, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Buford Wilson, Linneus, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 389--By Johnson.

An Act to repeal section 104.110, RSMo Supp. 1996, relating to the highways and transportation employees' and highway patrol retirement system, and to enact in lieu thereof one new section relating to the same subject.

SB 390--By Johnson.

An Act to repeal section 104.103, RSMo 1994, relating to the highways and transportation employees' and highway patrol retirement system, and to enact in lieu thereof one new section relating to the same subject.

SB 391--By Goode.

An Act to repeal sections 9.010 and 36.350, RSMo 1994, relating to public employees, and to enact in lieu thereof two new sections relating to the same subject.

SB 392--By Banks, Goode and Wiggins.

An Act to repeal section 578.390, RSMo 1994, relating to welfare and health care fraud and abuse, and to enact in lieu thereof one new section relating to the same subject.

SB 393--By House.

An Act to repeal sections 105.500, 105.510, 105.520, 105.525 and 105.530, RSMo 1994, relating to collective bargaining for public employees, and to enact in lieu thereof twenty-two new sections relating to the same subject, with an emergency clause.

SB 394--By Kenney.

An Act to repeal section 590.110, RSMo 1994, relating to peace officer training, and to enact in lieu thereof one new section relating to the same subject.

Senator Mathewson assumed the Chair.

THIRD READING OF SENATE BILLS

SB 169, introduced by Senator Schneider, entitled:

An Act to repeal section 287.615, RSMo 1994, and section 286.005, RSMo Supp. 1996, relating to the department of labor and industrial relations, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Schneider, **SB 169** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Jacob	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--28

Nays--Senators

Graves	Howard	Kenney	Rohrbach
Staples--5			

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 56, with **SCS**, introduced by Senator Klarich, entitled:

An Act to repeal section 546.680, RSMo 1994, and section 600.042, RSMo Supp. 1996, relating to procedures in capital cases, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 56**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 56

An Act to amend supreme court rules 24.035 and 29.15, relating to procedures in capital cases.

Was taken up.

Senator Klarich moved that **SCS** for **SB 56** be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **SB 56** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators

Clay	Jacob	Singleton--3
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Absent--Senators--None

Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 161, introduced by Senator Johnson, entitled:

An Act to repeal section 536.017, RSMo 1994, relating to takings analysis, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 161** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--Goode--1

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Flotron moved that the vote by which **SA 1** to **SS** for **SB 121** was adopted be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves

House	Jacob	Johnson	Kinder
Klarich	Mathewson	Maxwell	McKenna
Quick	Russell	Scott	Sims
Staples	Westfall	Wiggins	Yeckel--24

Nays--Senators

Banks	Childers	Howard	Kenney
Lybyer	Mueller	Rohrbach	Schneider
Singleton--9			

Absent--Senators--None

Absent with leave--Senators--Curls--1

THIRD READING OF SENATE BILLS

SB 70, introduced by Senators Staples and Sims, entitled:

An Act to repeal section 186.055, RSMo Supp. 1996, relating to the humanities trust fund, and to enact one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Staples.

On motion of Senator Staples, **SB 70** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Singleton--1

Absent with leave--Senators--Curls--1

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 89, with **SCS**, introduced by Senator Westfall, entitled:

An Act to repeal section 221.111, RSMo 1994, relating to jails, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 89**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 89

An Act to repeal section 221.111, RSMo 1994, relating to jails, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up.

Senator Westfall moved that **SCS** for **SB 89** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SB 89** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

Senator Staples assumed the Chair.

SB 122, introduced by Senator Lybyer, entitled:

An Act to repeal section 89.142, RSMo 1994, relating to peripheral zoning, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Lybyer, **SB 122** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Maxwell	McKenna

Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Mathewson	Quick--2
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Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Graves moved that motion lay on the table, which motion prevailed.

SB 58, introduced by Senator Graves, entitled:

An Act to repeal section 214.132, RSMo 1994, relating to private burial grounds, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Graves, **SB 58** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--Rohrbach--1

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 59, introduced by Senator Graves, entitled:

An Act to amend chapter 301, RSMo, relating to the licensing of motor vehicles, by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Graves, **SB 59** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

Senator Howard assumed the Chair.

SB 67, with **SCA 1**, introduced by Senators Russell and Staples, entitled:

An Act to repeal sections 238.300, 238.302 and 238.325, RSMo 1994, relating to transportation corporations, and to

enact in lieu thereof six new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Russell.

Senator Staples requested unanimous consent of the Senate to suspend the rules and place **SB 67**, with **SCA 1**, on the Formal Perfection Calendar, which request was granted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following correction should be made to the addendum submitted to you February 5, 1997 on the appointment of Martin H. Michel for the Board of Pharmacy. Line 3 should be amended to read:

for a term ending January 21, 2002

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following correction should be made to the addendum submitted to you February 5, 1997 on the appointment of James L. Gray, III for the Board of Pharmacy. Line 3 should be amended to read:

for a term ending January 21, 2002

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following correction should be made to the addendum submitted to you on February 5, 1997 on the appointment of Thomas M. Gialde for the Board of Pharmacy. Line 3 should be amended to read:

for a term ending January 21, 2002

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Neal A. Gibbons for the Board of Trustees for the Petroleum Storage Tank Insurance Fund, submitted to you on February 6, 1997. Line 4 should be amended to read:

vice, RSMo 319.129.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Donald L. Shaikewitz for the Board of Trustees for the Petroleum Storage Tank Insurance Fund, submitted to you on February 6, 1997. Line 4 should be amended to read:

vice, RSMo 319.129.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of G. Brad Williams for the Board of Trustees for the Petroleum Storage Tank Insurance Fund, submitted to you on February 6, 1997. Line 4 should be amended to read:

vice, RSMo 319.129.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Sam K. Carter for the Board of Trustees for the Petroleum Storage Tank Insurance Fund, submitted to you on February 6, 1997. Line 4 should be amended to read:

vice, RSMo 319.129.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of William H. Creech, III for the Board of Trustees for the Petroleum Storage Tank

Insurance Fund, submitted to you on February 6, 1997. Line 4 should be amended to read:

vice, RSMo 319.129.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Robert L. Abernathy for the Board of Trustees for the Petroleum Storage Tank Insurance Fund, submitted to you on February 6, 1997. Line 4 should be amended to read:

vice, RSMo 319.129.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above addendums and corrections to the Committee on Gubernatorial Appointments.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 395--By Kinder.

An Act to repeal section 77.650, RSMo 1994, relating to recall of elected officials, and to enact in lieu thereof one new section relating to the same subject.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 299**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 247**, begs leave to report that it has

considered the same and recommends that the bill do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 263**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 191**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 303**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 303, Page 16, Section 238.235, Line 81, by deleting the word "or" and inserting in lieu thereof the following: "[or]"; and

Further amend said bill, Page 16, Section 238.235, Line 82, by inserting after the word "percent" the following: ", **or one percent**".

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 165**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 315**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 315, Page 2, Section 304.050, Line 18, by inserting immediately after the word "**bus**" the following: "**operated to pick up students in the public school system and every new school bus**".

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 142**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 142, Page 9, Section 367.051, Line 58, by inserting immediately after all of said line the following:

"6. All records or information reported to law enforcement officials pursuant to sections 367.011 to 367.051 shall be deemed confidential and shall be used by such appropriate law enforcement officials only for the purpose of investigation and prosecution of crimes."

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 222**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **SB 38** and **SB 83**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 251**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 10**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 10, Page 4, Section 375.018, Line 111, by inserting immediately following the word "date." the following: **"When a person is licensed both as an agent and a broker, the director may change the agent's anniversary date of issuance one time to coincide with the anniversary date of issuance for that agent's broker's license."**; and

Further amend said bill, Page 5, Section 375.018, Line 126, by inserting immediately after said line the following:

"11. Every application for an agent's or broker's license granted or renewed biannually by the director shall constitute a waiver under, or bring the agent or broker in compliance with sections 1033 and 1034 of Title 18, U.S.C."

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 265**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 271**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 234, regarding the Saint Louis Crisis Nursery, which was adopted.

Senator Mathewson offered Senate Resolution No. 235, regarding Coleen Kivlahan, MD, MSPH, Columbia, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Bill, Donna, Carrie and Caleb Billings, Buckner; and Carrie and Caleb

were made honorary pages.

Senator Mueller introduced to the Senate, Shirley Sweet, Des Peres.

The President introduced to the Senate, former State Senator Phil Snowden, Kansas City.

Senator Staples introduced to the Senate, the Physician of the Day, Dr. Gene LeRoux, Doniphan.

Senator Maxwell introduced to the Senate, Tracy Reynolds, Kirksville.

Senator Kinder introduced to the Senate, Brenda Pratt Shafer, Dayton, Ohio.

Senator Bentley introduced to the Senate, Mary Mudry, Larry Bast, Paula Akers and Fran Tousdot, Springfield; and Lori Epperson, St. Louis.

Senator Klarich introduced to the Senate, Janet Millet, Wildwood; Connie Price, Eureka; and Alison Sandin, Jefferson County.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SECOND DAY--THURSDAY, FEBRUARY 13, 1997

The Senate met pursuant to adjournment.

Senator Banks in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, in Your wisdom You have provided many wonderful things for us to enjoy. We are thankful for that unexplainable, impossible to measure blessing we call love. Even the death of our partner can't remove it from our heart. We sing Your praises because of the gift of love. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Curls--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 236, regarding Charles H. "Charlie" O'Reilly, Jr., Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 237, regarding Jimmy Williams, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 238, regarding the Absolutely Incredible Kid Day, which was adopted.

Senator Graves offered Senate Resolution No. 239, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Currie, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 240, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Marshall, Darlington, which was adopted.

Senator Russell offered Senate Resolution No. 241, regarding Mary "Barbara" Medlock, which was adopted.

Senator Quick offered Senate Resolution No. 242, regarding Ruth Buesing, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 243, regarding the death of Mary Louise Murphy, Kansas City, which was adopted.

Senator Howard offered Senate Resolution No. 244, regarding Daniel Cody Brandt, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 396--By Scott.

An Act to repeal section 506.145, RSMo 1994, relating to service of process, and to enact in lieu thereof seven new sections relating to the same subject, with an effective date.

SB 397--By Jacob.

An Act to repeal section 313.835, RSMo 1994, relating to certain scholarship programs, and to enact in lieu thereof three new sections relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 16**, with **SCS** and **SA 10** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 10 was again taken up.

Senator Flotron requested unanimous consent of the Senate to change the numeral "1998" to "1997" in **SA 10**, which request was granted.

President Wilson assumed the Chair.

Senator Banks resumed the Chair.

Senator Flotron moved that **SA 10** be adopted, which motion prevailed on a standing division vote.

Senator Kenney offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bill No. 16, Page 36, Section 130.021, Line 151, by inserting immediately after said line the following:

"130.029. 1. Nothing herein contained shall be construed to prohibit any corporation organized under any general or special law of this state, or any other state or by an act of the Congress of the United States or any labor organization, cooperative association or mutual association from making any contributions or expenditures, provided:

(1) That the board of directors of any corporation by resolution has authorized contributions or expenditures, or by resolution has authorized a designated officer to make such contributions or expenditures; or

(2) That the members of any labor organization, cooperative association or mutual association have authorized contributions or expenditures by a majority vote of the members present at a duly called meeting of any such labor organization, cooperative association or mutual association or by such vote has authorized a designated officer to make such contributions or expenditures. **Any labor organization making any contributions or expenditures pursuant to the authority of this subdivision shall obtain the written consent of all dues paying members for such contributions or expenditures when any part of the member's dues are commingled with any funds which are used by the organization to make such contributions or expenditures. Before obtaining any written consent required pursuant to this subdivision, the labor organization shall fully inform the member regarding the identity of the candidate or ballot measure for which the contributions or expenditures are to be used to support or oppose.**

2. No provision of this section shall be construed to authorize contributions or expenditures otherwise prohibited by, or to change any necessary percentage of vote otherwise required by, the articles of incorporation or association or bylaws of such labor organization, corporation, cooperative or mutual association.

3. Authority to make contributions or expenditures as authorized by this section shall be adopted by general or specific resolution. This resolution shall state the total amount of contributions or expenditures authorized, the purposes of such contributions or expenditures and the time period within which such authority shall exist."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1** to **SA 11**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 11

Amend Senate Amendment No. 11 to Senate Committee Substitute for Senate Bill No. 16, Page 1, Section 130.029, Line 18, by inserting after the word "organization", the words: "which may require membership as a condition for work".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

SA 11, as amended, was again taken up.

Senator Kenney moved that **SA 11**, as amended, be adopted.

Senator Mathewson requested a roll call vote be taken on the adoption of **SA 11**, as amended, and was joined in his request by Senators Westfall, Childers, Russell and Caskey.

SA 11, as amended, failed of adoption by the following vote:

Yeas--Senators

Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich

Mueller	Rohrbach	Russell	Singleton
Westfall	Yeckel--14		
	Nays--Senators		
Banks	Caskey	Clay	DePasco
Goode	House	Howard	Jacob
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Quick	Schneider	Scott
Staples	Wiggins--18		
	Absent--Senators--Sims--1		
	Absent with leave--Senators--Curls--1		

Senator Kenney offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for Senate Bill No. 16, Page 19, Section 105.969, Line 24, by inserting immediately after said line the following:

"116.023. Any statewide ballot measure approved by the voters, whether by initiative petition or referendum, shall be resubmitted to the voters for approval if amended or repealed at any time by the general assembly following initial voter approval of the measure. No measure so amended or repealed by the general assembly shall take effect until the voters approve by affirmative vote the amendment or repeal proposed by the general assembly,"; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 12** is out of order in that it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Childers offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for Senate Bill No. 16, Page 21, Section 130.011, Line 53, by inserting after the period on said line the words "But no organization shall divide its contribution in such a way as to expand the contribution limits set forth in the statutes of this state by having any member of such organization serve as a member of more than one political action committee contributing to any single candidate for office.".

Senator Childers moved that the above amendment be adopted.

At the request of Senator Childers, **SA 13** was withdrawn.

Senator Mathewson moved that **SCS** for **SB 16**, as amended, be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 16**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 112**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Martin H. Michel and James L. Gray, III, as members of the Board of Pharmacy;

Also,

Daniel S. Ross, as a member of the Personnel Advisory Board;

Also,

Henry E. Clabaugh, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Lynn M. Ewing, Jr., as a member of the Coordinating Board for Higher Education;

Also,

James T. Mudd, as a member of the Missouri State Board of Accountancy;

Also,

Amy S. Campbell, as a member of the Child Abuse and neglect Review Board;

Also,

William L. Treece and James R. Dickerson, as members of the Missouri Training and Employment Council;

Also,

Charles H. Kemper, as a member of the Missouri Public Entity Risk Management Board of Trustees;

Also,

Michael D. Baker, as a member of the Peace Officers Standards and Training Commission.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 398--By Bentley.

An Act to authorize the governor to convey certain property of Southwest Missouri State University in Greene County Missouri, to the city of Springfield.

SB 399--By Graves.

An Act to repeal section 211.393, RSMo Supp. 1996, relating to juvenile court personnel, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 400--By Jacob.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the challenge scholarship program for higher education, with penalty provisions.

SB 401--By Scott.

An Act relating to the regulation of certain telecommunications and information technology systems, with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 287**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 119**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 245, regarding the Sixty-seventh Wedding Anniversary of Mr. and Mrs. George Pogue, Brownington, which was adopted.

Senator McKenna, joined by the entire membership of the Senate, offered Senate Resolution No. 246, regarding Major General Raymond L. Pendergrass, Jefferson City, which was adopted.

Senator Jacob offered Senate Resolution No. 247, regarding Michael Jones, Columbia, which was adopted.

MISCELLANEOUS

President Pro Tem McKenna submitted the following:

HEARING SCHEDULE

89TH GENERAL ASSEMBLY

1ST REGULAR SESSION

February 17, 1997

	Monday	Tuesday	Wednesday	Thursday
8:30 a.m.		Commerce and Environment - SL (Goode)	Civil and Criminal Jurisprudence - SCR 2 (Caskey)	Rules, Jt. Rules & Res. - SL (Quick)
9:00 a.m.		Aging, Families & Mental Health - SCR 1 (Howard)	Gubernatorial Appointments - SL (McKenna)	Labor & Industrial Relations - SCR 1 (Clay)
1:00 p.m.	Financial & Governmental Organization - SL (Maxwell)	Transportation - SL (Staples)	Agriculture, Conservation, Parks and Tourism - SCR 2 (Johnson)	
			Corrections and General Laws - SL (Scott)	
2:00 p.m.		Local Government & Economic Development - SCR 2 (Mathewson)	Judiciary - SL (Schneider)	
		Elections, Pensions & Veterans' Affairs - SL (DePasco)	Insurance & Housing - SCR 1 (Curls)	
2:30 p.m.	Education - SL (House)			
8:00 p.m.	Public Health and Welfare - SL (Banks)	Ways and Means - SL (Wiggins)		

SL - Senate Lounge

SCR 1 - Senate Committee Room 1, Room 118

SCR 2 - Senate Committee Room 2, Room 119

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, the Physician of the Day, A.J. Campbell, M.D., Sedalia; Dr. Jamie Ulbrich, Marshall; and Derreck Menefee, Kansas City.

Senator Lybyer introduced to the Senate, Tracy Bauer, Rich Fountain; and Tracy was made an honorary page.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, February 17, 1997.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY--MONDAY, FEBRUARY 17, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, on President's Day we give thanks for the integrity and character of our past leaders. We pray that this same morality and strength come from our leaders of today. We ask for Divine help to bring out the best that is in those who serve in this body. We ask that You be with Senator Curls and his family. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 13, 1997, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Curls--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 248, regarding Connie Aichele, Adrian, Michigan, which was adopted.

Senator Lybyer offered Senate Resolution No. 249, regarding Jim Taylor, Holts Summit, which was adopted.

Senator Howard offered Senate Resolution No. 250, regarding Reverend Bobby Edgar Huskey, Ava, which was adopted.

Senator Howard offered Senate Resolution No. 251, regarding L. Dwayne Hackworth, Ellington, which was adopted.

Senator Maxwell offered Senate Resolution No. 252, regarding Charles "Levi" Rubison, Stoutsville, which was adopted.

Senator Graves offered Senate Resolution No. 253, regarding the Ninety-fifth Birthday of Edith Pearce, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 254, regarding the Maryville Host Lions Club, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 255, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Clark, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 256, regarding Misty Michel Brown, Laclede, which was adopted.

Senator Graves offered Senate Resolution No. 257, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marvin Webb, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 258, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Raymond Houf, Unionville, which was adopted.

Senator Graves offered Senate Resolution No. 259, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Olin Meek, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 260, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Eads, Trenton, which was adopted.

Senator Yeckel offered Senate Resolution No. 261, regarding Christopher Michael Younce, St. Louis, which was adopted.

Senator Staples offered Senate Resolution No. 262, regarding Mr. Roland A. "Skippy" Seal, which was adopted.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 402--By Lybyer.

An Act to repeal section 197.400, RSMo 1994, and section 197.445, RSMo Supp. 1996, relating to the regulation of home health agencies, and to enact in lieu thereof two new sections relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 11**, with **SCA 1**, be taken up for perfection, which motion prevailed.

Senator Mathewson assumed the Chair.

President Wilson assumed the Chair.

Senator Mathewson resumed the Chair.

SCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered SS for SB 11, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 11

An Act to repeal sections 49.082, 50.334, 51.281, 52.269, 53.082, 54.261, 54.320, 55.091, 56.600, 57.317 and 57.550, RSMo 1994, and sections 50.333, 50.343, 56.265 and 58.095, RSMo Supp. 1996, relating to certain county officers and to enact in lieu thereof eighteen new sections relating to the same subject.

Senator Caskey moved that SS for SB 11 be adopted.

Senator Caskey offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 11, Page 34, Section 54.320, Lines 3-14 of said page, by striking all of said lines and inserting in lieu thereof the following:

"Assessed Valuation	Salary
\$18,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 to 449,999,999	45,000."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

President Wilson resumed the Chair.

Senator Wiggins assumed the Chair.

Senator Ehlmann offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 11, Page 48, Section 1, Lines 8-9 of said section, by striking all of said lines and inserting in lieu thereof the following: "**operating in such county, the county shall receive for the additional duties of**"; and

Further amend said bill, Page 49, Section 2, Lines 2 and 3 of said section, by striking all of said lines and inserting in lieu thereof the following: "**highway passes, the county may receive an additional two thousand five hundred**".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Staples offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 11, Page 49, Section 3, Line 25 of said page, by adding after said line the following:

"Section 4. The county commissions shall set the per diem allowance for the General Assembly."

Senator Staples moved that the above amendment be adopted.

At the request of Senator Staples, **SA 3** was withdrawn.

Senator Rohrbach offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 11, Page 25, Section 53.082, Line 23, by adding after said line the following:

"53.270. Any county assessor who has served for sixteen or more consecutive years as **an** [a county] assessor shall be exempt from attending or completing any course of study or classroom instruction required by this chapter to receive any additional compensation. Such assessor shall receive all increases in compensation granted to county assessors who complete such classroom instruction or course of study. If such assessor elects to attend or complete such study or classroom instruction his expenses shall be reimbursed."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SS** for **SB 11**, as amended, be adopted, which motion prevailed on a standing division vote.

On motion of Senator Caskey, **SS** for **SB 11**, as amended, was declared perfected and ordered printed.

Senator McKenna moved that **SB 51**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 51**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 51

An Act to repeal sections 452.150, 452.355, 452.370, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605 and 454.496 RSMo 1994, and sections 452.330, 452.340, 452.375 and 452.400, RSMo Supp. 1996, relating to child custody and child support proceedings, and to enact in lieu thereof fifteen new sections relating to the same subject.

Was taken up.

Senator McKenna moved that **SCS** for **SB 51** be adopted.

Senators House and Ehlmann offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 51, Page 13, Section 452.375, Line 127, by striking the word "sex," on said line and inserting in lieu thereof the word "[sex,]"; and

Further amend said bill, Page 13, Section 452.375, Line 128, by inserting after the word "child." the following: "**As between the parents of a child, no preference may be given to either parent in the awarding of physical and legal or physical or legal custody because of that parent's sex unless that parent's sex has been changed since the birth of the child, in which case preference is given to the other parent.**"; and

Further amend said bill, Page 17, Section 452.400, Line 84, by striking the words "**filing of**" and inserting in lieu thereof the following: "**hearing on**".

Senator House moved that the above amendment be adopted, which motion prevailed.

At the request of Senator McKenna, **SB 51**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jesse Jones, III, 4545 Forest Park Boulevard, St. Louis City, Missouri 63108, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gregory L. Solum, 1914 Allen Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Neva G. Thurston, 5812 W. Brazito Road, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 16**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 104**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 272**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 262**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Wiggins, Chairman of the Committee on Ways and Means, Senator McKenna submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 254**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 124**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 124, Page 2, Section 144.025, Line 14, by striking the words "given in trade or exchanged" and inserting in lieu thereof the following: "**traded or exchanged as a credit or partial payment**"; and

Further amend said bill, page and section, line 17, by inserting immediately after "motor." the following: "**If the trade-in motor vehicle, trailer, boat or outboard motor has a valid Missouri certificate of title, the department of revenue may assume all sales and use taxes have been properly paid, unless the department has reason to believe otherwise**".

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 220**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HB 14**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 14, Page 1, Section 14.005, by deleting said section in its entirety; and

Further amend said bill, page 2, section 14.020, by inserting immediately after said section the following new section:

"Section 14.022. To the Department of

Elementary and Secondary Education

For the Commission for the Deaf

Expense and Equipment

From Missouri Board for the Deaf

Certification of Interpreters Fund \$6,000".

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following reports:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 255**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 194**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 148**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 148, Page 1, Section 381.412, Line 5, by inserting after the word "funds." the following: "**A buyer, seller, or lender which is a financial institution as defined in section 381.410, shall not be required to convey certified funds to a settlement agent.**"; and

Further amend said bill, Page 2, Section 381.412, Line 17, by striking the word "section" and inserting in lieu thereof the following: "[section] **subsection**"; and

Further amend said bill, Page 2, Section 381.412, Lines 22 and 23, by striking all of said lines and inserting in lieu thereof the following: "the public for the settlement of real estate transactions unless a"; and

Further amend said bill, Page 2, Section 381.412, Line 27, by inserting after the word "funds." the following: "**A financial institution as defined in section 381.410 shall not be required to use certified funds to make payments, disbursements or other transfers to such escrow accounts.**"; and

Further amend said bill, Page 2, Section 381.412, Line 28, by inserting after the word "agent" the following: ", **title insurer, title insurance agency or title insurance agent**".

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 261**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 261, Page 1, Section 41.1000, Line 4, by inserting immediately after the word "missions", the following: "**except members of the Missouri National Guard**".

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 310**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 310, Page 2, Section 177.091, Line 47, by striking the word "incidental" and inserting in lieu thereof the following: "**capital projects**".

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 310, Page 2, Section 177.091, Line 41, by inserting immediately after the word "shall" the following: ", **until July 1, 1998,**"; and further amend line 45, by inserting immediately after the word "education" the following: ", **and, on and after July 1, 1998, any such proceeds shall be placed to the credit of the capital projects fund**".

Also,

Mr. President: Your Committee on Education, to which was referred **SB 152**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 146**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 242**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 403--By Schneider.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to taxation.

SB 404--By Schneider.

An Act to repeal section 477.010, RSMo 1994, relating to the supreme court, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 405--By Kenney.

An Act to repeal section 191.227, RSMo 1994, relating to medical records, and to enact in lieu thereof one new section relating to the same subject.

SJR 15--By Schneider and Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 18 of article X of the Constitution of Missouri relating to taxation, and adopting one new section in lieu thereof relating to the same subject.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 361--Civil and Criminal Jurisprudence.

SB 366--Education.

SB 367--Civil and Criminal Jurisprudence.

SB 368--Local Government and Economic Development.

SB 369--Civil and Criminal Jurisprudence.

SB 370--Elections, Pensions and Veterans' Affairs.

SB 371--Local Government and Economic Development.

SB 372--Judiciary.

SB 373--Aging, Families and Mental Health.

SB 374--Elections, Pensions and Veterans' Affairs.

SB 375--Financial and Governmental Organization.

SB 376--Agriculture, Conservation, Parks and Tourism.

SB 377--Financial and Governmental Organization.

SB 378--Ways and Means.

SB 379--Local Government and Economic Development.

SB 380--Aging, Families and Mental Health.

SB 381--Aging, Families and Mental Health.

SB 382--Public Health and Welfare.

SB 383--Public Health and Welfare.

SB 384--Corrections and General Laws.

SB 385--Judiciary.

SB 386--Judiciary.

SB 387--Commerce and Environment.

SB 388--Education.

SB 389--Elections, Pensions and Veterans' Affairs.

SB 390--Elections, Pensions and Veterans' Affairs.

SB 391--Financial and Governmental Organization.

SB 392--Public Health and Welfare.

SB 393--Labor and Industrial Relations.

SB 394--Local Government and Economic Development.

SB 395--Local Government and Economic Development.

SB 396--Corrections and General Laws.

SJR 13--Elections, Pensions and Veterans' Affairs.

SJR 14--Judiciary.

INTRODUCTIONS OF GUESTS

On behalf of Senator McKenna, the President introduced to the Senate, Hannah and Emily Leone, Columbia; and Hannah and Emily were made honorary pages.

Senator Clay introduced to the Senate, Fred Brown and Dr. Sam Nussbaum, St. Louis.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FOURTH DAY--TUESDAY, FEBRUARY 18, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, of all Your gifts, none is more precious than the gift of life. We respect the dignity and worth of every person. Especially important to us are the young because for the abundant life, they are dependent upon us. Help us to keep the needs of the young ever before us. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Curls--1

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 263, regarding Christopher Michael Cosgrove, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 264, regarding Micah Don Silvey, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 265, regarding Timothy David Haggard, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 266, regarding Dustin Charles Gemmer, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 267, regarding Travis Ross Wycoff, Greenwood, which was adopted.

Senator Bentley offered Senate Resolution No. 268, regarding Mr. Charlie Spoonhour, which was adopted.

Senator Bentley offered Senate Resolution No. 269, regarding W. O. "Orville" Pottenger, which was adopted.

Senator Bentley offered Senate Resolution No. 270, regarding Lori Endicott, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Staples moved that **SB 19**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion failed.

Senator Johnson assumed the Chair.

Senator Kinder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 19, Page 1, In the Title, Line 3, by striking "three" and inserting in lieu thereof the word "four"; and

Further amend said bill, page 1, section A, line 1, by striking "three" and inserting in lieu thereof the word "four"; and further on lines 2-3, by striking "and 2" and inserting in lieu thereof the following: ", 2 and 3"; and

Further amend said bill, page 3, section 2, line 52, by inserting immediately after said line the following:

"Section 3. 1. Any state agency desiring to disclose the home address or home phone number of any state employee shall obtain the written consent of the employee prior to the disclosure. No such disclosure shall be made without the consent of the employee.

2. Any violation of this section shall be a class A misdemeanor.

3. This section shall not be construed to authorize any disclosure which is otherwise prohibited under the law."

Senator Kinder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Howard, Staples and Yeckel.

Senator Howard raised the point of order that **SA 1** is out of order in that it goes beyond the scope of the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 failed of adoption by the following vote:

Yeas--Senators

Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Singleton	Westfall	Yeckel--15	

Nays--Senators

Banks	Caskey	Clay	DePasco
Goode	House	Howard	Jacob
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Quick	Schneider	Scott
Staples	Wiggins--18		

Absent--Senators--None

Absent with leave--Senators--Curls--1

Senator Kinder offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 19, Page 1, In the Title, Line 3, by striking "three" and inserting in lieu thereof the word "four"; and

Further amend said bill, page 1, section A, line 1, by striking "three" and inserting in lieu thereof the word "four"; and further on lines 2-3, by striking "and 2" and inserting in lieu thereof the following: ", 2 and 3"; and

Further amend said bill, page 3, section 2, line 52, by inserting immediately after said line the following:

"Section 3. 1. Any state agency desiring to disclose the home address or home phone number of any state employee shall not disclose such information if the employee has provided a letter to the state agency asking that the information not be disclosed.

2. Any violation of this section shall be a class A misdemeanor.

3. This section shall not be construed to authorize any disclosure which is otherwise prohibited under the law."

Senator Kinder moved that the above amendment be adopted.

Senator Caskey offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No 2 to Senate Bill No. 19, Page 1, Section 3.2, Line 12, by deleting said line; and

Further amend said bill by renumbering the remaining subsection accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Kinder moved that **SA 2**, as amended, be adopted, which motion prevailed.

On motion of Senator Staples, **SB 19**, as amended, was declared perfected and ordered printed.

Senator Lybyer moved that **SB 22** be taken up for perfection, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 22, Page 4, Section 178.893, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"178.893. A **public** community college district **or a state technical college fully accredited by the North Central Association of Colleges and Universities as an institution of higher education,**".

Senator Mathewson moved that the above amendment be adopted.

At the request of Senator Lybyer, **SB 22**, with **SA 1** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Joint Resolution was read the 1st time and 1,000 copies ordered printed:

SJR 16--By Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 28 of article IV of the constitution of Missouri relating to state treasury withdrawals, and adopting one new section in lieu thereof relating to the same subject.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 271, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Martin Volker, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 272, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Elmo Fore, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 273, regarding the Eightieth Birthday of Georgia Headrick and Martha Dawson, which was adopted.

Senator Graves offered Senate Resolution No. 274, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Callow, Maitland, which was adopted.

Senator Graves offered Senate Resolution No. 275, regarding Sue Allen, Sumner, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 72**, with **SCAs 1** and **2**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Goode moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SCA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 72, Page 2, Section 643.310, Line 13, by placing an opening bracket "[" before the comma "," and further amend line 17, by placing a closing bracket "]" after the numeral "7545"; and

Further amend said bill, page 1, Section A, line 4, by inserting immediately after said line, the following:

"643.305. 1. The air conservation commission shall adopt a state implementation plan to bring all nonattainment areas of the state which are located within a city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants [and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants], into compliance with and to maintain the National Ambient Air Quality Standards and any regulations promulgated by the United States Environmental Protection Agency under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., on the required date or dates as such dates are established under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., including any extensions authorized pursuant to that act.

2. The commission shall establish the amount of emissions reductions required to achieve the goal established pursuant to subsection 1 of this section.

3. The department shall establish an air quality baseline for all nonattainment areas of the state which are located within a metropolitan statistical area with a population of at least one million inhabitants as defined by the federal Office of Management and Budget or its successor agency. The air quality baseline shall include, where practical, actual air contaminant emissions data and data on the atmospheric concentrations of pollution and pollution precursors for all nonattainment areas.

4. The department shall determine the costs and benefits of alternative reduction measures including reductions of emissions from stationary and mobile sources and traffic control measures. The department of highways and transportation, regional planning commissions and metropolitan planning organizations shall participate with the department and provide information necessary to determine the costs and benefits of emissions reduction measures.

5. The department shall evaluate any motor vehicle emissions inspection program established under section 307.366, RSMo, or sections 643.300 to 643.355 and shall annually include in the report to the commission and the general assembly required under section 643.192, beginning on January 1, 1996, a detailed accounting of the inspection costs and repair costs incurred by vehicle owners and of the emissions reductions produced or incurred by the program. The department may use a representative sample of vehicles to provide a statistically valid estimate of the repair costs and

emissions reductions. The report shall also include a recommendation to the general assembly on whether the emissions inspection program should be continued, modified or terminated.

6. The department shall establish a program of public information and education to educate the citizens of the state about the costs and benefits associated with reaching attainment of the National Ambient Air Quality Standards and the costs and benefits of all measures which are considered to attain those standards. This shall be done prior to the commission's action under subsection 1 of this section."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Johnson resumed the Chair.

Senator Flotron offered **SA 1** to **SSA 1** for **SCA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 2 to Senate Bill No. 72, Page 1, Section 643.305, Line 7, by adding before the "," the following "excluding the 7th State Senate District".

Senator Flotron moved that the above amendment be adopted.

Senator Wiggins resumed the Chair.

At the request of Senator Flotron, **SA 1** to **SSA 1** for **SCA 2** was withdrawn.

At the request of Senator Klarich, **SSA 1** for **SCA 2** was withdrawn.

Senator Klarich offered **SA 1** to **SCA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Committee Amendment No. 2 to Senate Bill No. 72, Page 2, Section 643.310, Lines 1 and 2, by deleting said bracket "[" before the comma "," and further amend Line 17, by deleting the closing bracket "]" after the numeral "7545".

Senator Klarich moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Caskey offered **SSA 2** for **SCA 2**, as amended, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 72, Page 13, Section 643.355, Line 46, by inserting immediately after all of said line the following:

"Section 1. Other provisions of law to the contrary notwithstanding, on the effective date of this section all the authority, powers, duties, functions, records, personnel, property, matters pending and all other pertinent

vestiges of the department of natural resources and every board, commission and authority within the department of natural resources, other than the director of the department of natural resources, are hereby transferred to the department of agriculture by type I transfer as defined pursuant to the reorganization act of 1974."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the substitute amendment be adopted.

Senator Goode raised the point of order that **SSA 2** for **SCA 2**, as amended, is out of order in that the amendment is not a true substitute amendment.

At the request of Senator Caskey, **SSA 2** for **SCA 2**, as amended, was withdrawn, rendering the point of order moot.

Senator Flotron offered **SSA 3** for **SCA 2**, as amended, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 72, Page 2, Section 643.310, Line 14, by inserting after the word "established" the following: **"or operated"**.

Senator Flotron moved that the above substitute amendment be adopted, which motion prevailed.

Senator Johnson resumed the Chair.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 72, Page 13, Section 643.355, Line 46, by inserting immediately after all of said line the following:

"Section 1. Other provisions of law to the contrary notwithstanding, every rule promulgated by the Missouri air conservation commission for which the final order of rulemaking is filed on or after the effective date of this section shall be terminated eighteen months following the date the rule becomes effective or on such other, earlier date as may be provided in the final order of rulemaking."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 72, Page 7, Section 643.315, Lines 26-28 of said Section, Line 26, by removing the bracket, "[" immediately before the "(1)"; further amend said bill, said section, line 28, by removing the bracket "]" immediately following the "(2)" and renumber accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 72, Page 12, Section 643.355, Line 42, by deleting the word "unincorporated" on such line.

Senator Klarich moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Wiggins resumed the Chair.

Senator Goode moved that **SB 72**, as amended, be declared perfected and ordered printed, which motion prevailed on a standing division vote.

Senator Staples moved that **SB 18**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 18, Page 2, Section 306.010, Line 41, by inserting immediately after all of said line the following:

"306.016. 1. By January 1, 1995, the owner of any vessel documented by the United States Coast Guard on August 28, 1994, and the new owner of any vessel purchased after August 28, 1994, who upon the sale or transfer of the vessel desires to document the vessel with the United States Coast Guard, shall apply for a vessel certificate of registration and pay a certification fee of seven dollars and fifty cents, an initial registration fee in an amount equal to the amount required for a certificate of number under section 306.030 and all applicable state and local or in lieu watercraft taxes as provided by law in effect on the date the vessel was documented or submit proof that all applicable registration fees have been paid to the department of revenue and all applicable taxes or in lieu watercraft taxes have been paid in this or another state. Such application shall include the county in which such vessel will be normally maintained by the new owner. A certificate of registration and a set of registration decals in a form the director shall prescribe shall be issued for a documented vessel. A Missouri resident shall make application for a vessel certificate of registration within thirty days of acquiring or bringing the vessel into this state. A nonresident shall make application for a vessel certificate of registration within sixty days after acquiring a vessel in this state or bringing a vessel into this state if the vessel will be kept in this state for a period in excess of sixty consecutive days. A delinquency penalty fee of ten dollars shall be imposed for each thirty days of delinquency, not to exceed a total of thirty dollars. If the director of revenue learns that any person has failed to make application for a vessel certificate of registration in accordance with this section or has sold a vessel documented by the United States Coast Guard without obtaining a certificate of registration as provided in this section, the director shall cancel the registration of all vessels and outboard motors registered in the name of the person, either as sole owner or a coowner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee together with all fees, charges, and payments which the person should have paid in connection with the vessel certificate of registration. **A penalty fee or cancellation may only be imposed under this section upon a person who documented a vessel with the United States Coast Guard prior to August 28, 1994, if that person has received at least thirty days notice that registration of such vessel is required with the department of revenue.**

2. A boat or vessel documented by the United States Coast Guard or other agency of the federal government and operated on the waters of this state shall not be liable for the payment of any state or local sales or use tax on the purchase, but shall be liable for the payment of an in lieu watercraft tax, which is hereby imposed. The in lieu watercraft tax shall be collected by the director of revenue and deposited in the state treasury to the credit of general revenue and shall be appropriated for use by the Missouri state water patrol. Watercraft dealers in this state shall report to the director of revenue on forms furnished by the director the sale of each watercraft sold to a resident of this state. If the watercraft is registered and licensed pursuant to the provisions of this chapter and all applicable sales taxes have been paid, the director shall not collect the in lieu tax imposed by this subsection. If the watercraft is registered with the

United States Coast Guard or other agency of the federal government and not under the provisions of this chapter the director shall bill the purchaser of the watercraft for the in lieu tax imposed by this subsection. Any person who fails to pay the in lieu tax due under this section, within thirty days after receipt of the bill from the director of revenue, shall be liable to the same penalties imposed by law for failure to pay sales and use taxes due the state. The in lieu tax shall be determined as follows:

PURCHASE PRICE OF WATERCRAFT TAX DUE

\$50,000 or less	\$ 650.00
\$50,001 to \$100,000	1,250.00
\$100,001 to \$150,000	1,850.00
\$150,001 to \$200,000	2,450.00
\$200,001 and above	3,050.00

3. The registration decals for any vessel documented by the United States Coast Guard shall be in force and effect for a period of three years so long as the vessel is owned or held by the original holder of the certificate of registration and shall be renewed upon application and payment of a registration renewal fee equal to the amount required for a certificate of number under section 306.030. The owner shall attach the registration decals to both sides of the forward half of the bow of the documented vessel in a place that is fully visible.

4. The department of revenue may issue a temporary vessel certificate of registration authorizing the operation of a vessel to be documented by the United States Coast Guard for not more than sixty days. The temporary registration shall be made available by the department of revenue and may be purchased from the department of revenue or from a dealer upon proof of purchase of a vessel. The department shall make temporary certificates of registration available to registered dealers in this state in sets of ten. The fee for the temporary certificates of registration shall be five dollars each. No dealer shall charge more than five dollars for each temporary certificate of registration issued. The temporary registration shall be valid for a period of sixty days from the date of issuance by the department of revenue to the purchaser of the vessel or from the date of sale of the vessel by a dealer from which the purchaser obtains a certificate of registration. The temporary certificate of registration shall be issued on a form prescribed by the department of revenue and issued only for the purchaser's use in the operation of the vessel purchased to enable the purchaser to legally operate the vessel while a certificate of registration is being obtained, and shall be displayed on no other vessel. Temporary certificates of registration issued under this section shall not be transferable or renewable and shall not be valid upon issuance of a proper certificate of registration. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make and the manufacturer's identification number of the vessel on the temporary registration when issued to the purchaser. The dealer shall complete the information on the temporary registration in full. Every dealer that issues a temporary certificate of registration shall keep, for inspection by authorized officers, a correct record of each temporary certificate of registration issued by the dealer by recording the registration number, purchaser's name and address, year, make and manufacturer's identification number of the vessel on which the temporary certificate of registration is to be used and the date of issuance.

5. Upon the sale or transfer of any vessel documented by the United States Coast Guard for which a certificate of registration has been issued, the registration shall be terminated. If the new owner elects to have the vessel documented by the United States Coast Guard, the new owner shall submit, in addition to the properly assigned certificate of registration, proof of release from the documentation provided by the United States Coast Guard and shall comply with the provisions of this section. If the new owner elects not to document the vessel with the United States Coast Guard, the owner shall comply with the applicable provisions of this chapter.

6. The certificate of registration shall be available at all times for inspection on the vessel for which it is issued, whenever the vessel is in operation."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **SB 18**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 19** and **SS** for **SB 11**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 69**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 241**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Jacob, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 29**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 320**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 406--By Wiggins.

An Act to repeal sections 143.124 and 143.161, RSMo 1994, relating to taxation, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

INTRODUCTIONS OF GUESTS

Senator Quick introduced to the Senate, his son, Randy, and granddaughters, Jessica and Amanda, Kansas City; and Jessica and Amanda were made honorary pages.

Senator Staples introduced to the Senate, Gary Busenbark, Park Hill; and Doug Ross, Farmington.

Senator Lybyer introduced to the Senate, Webelo Scouts, Pack 429, Bourbon; and Warren Byington, John Hope, Shaun Conner, Ryan Bobbitt, Tyler Kimberlin and Grant Gardner were made honorary pages.

Senator Sims introduced to the Senate, Kathleen O'Brien, St. Louis.

Senator Schneider introduced to the Senate, Jennifer Thiele, Laura Mayberry and Jerry Callely, St. Louis, who were made honorary pages.

Senator Flotron introduced to the Senate, Robin Porzelt, and ninety fourth grade students from Bridgeway Elementary School, Bridgeton; and Jacob Stuart, Kyle Fischer, Tina Nguyen and Andy Debold were made honorary pages.

Senator Kenney introduced to the Senate, Mary Childers, Judy Alyea, Sue Evans, and fourteen students from School House, Independence; and Tom Weir, Lee's Summit.

Senator Clay introduced to the Senate, Laurie and Michael VanderVelde, St. Louis.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIFTH DAY--WEDNESDAY, FEBRUARY 19, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, keep us from going anywhere we couldn't take You with us, or from speaking anything we wouldn't want You to hear, or doing things we wouldn't want You to see. You always are with us. You always see and hear us. Forgive us when we behave as though You weren't around. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Quick submitted the following correction to the Senate Journal for Tuesday, February 18, 1997, which was read and adopted:

Mr. President:

I move that the Senate Journal for Tuesday, February 18, 1997, be corrected on page 235, column 1, lines 7-14, by deleting said lines and inserting in lieu thereof the following:

"Senator Jacob, Chairman of the Committee on Interstate Cooperation, submitted the following report:

Mr. President: Your Committee on Interstate Cooperation, to which was referred **SB 29**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.".

The Journal of the previous day was read and approved, as corrected.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators

Curls Jacob--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 276, regarding Michael L. Mittermeyer, Poplar Bluff, which was adopted.

CONCURRENT RESOLUTIONS

Senator Bentley offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 19

WHEREAS, families are an important institution in this nation and in the state of Missouri; and

WHEREAS, the role that parents play in a child's life is important and the time that parents spend with children is crucial to the future of our society; and

WHEREAS, since 1965, the amount of time that parents spend with their children has dropped forty percent; and

WHEREAS, a 1993 study found that sixty-six percent of adults surveyed nationwide wanted to spend more time with their children; and

WHEREAS, in 1960, less than nineteen percent of married women were in the workforce who had a spouse present and children less than six years of age, yet today, more than sixty percent of such women are in the workplace; and

WHEREAS, currently, seventy-six percent of mothers with school-age children are in the workforce; and

WHEREAS, inflexible work schedules conflict with school hours, day care arrangements and family emergencies; and

WHEREAS, working parents, especially working mothers, require flexible working schedules so that they can take the time to tend to their children's needs; and

WHEREAS, federal law allows public employees to have flexible working schedules, so that such employees can balance the needs of work and family; and

WHEREAS, federal law prohibits employees in the private sector from having flexibility in work schedules which public employees currently enjoy; and

WHEREAS, in the interest of creating equity between private and public sector employment, and in the interest of promoting the importance of family obligations in our society, private sector employees should be allowed to have flexibility in their work schedules in order to meet their family and personal obligations; and

WHEREAS, such flexibility can be established by allowing employees to opt for paid flexible leave; and

WHEREAS, paid flexible leave would allow a private sector employee to choose to work hours in addition to a forty-hour work week, and use those extra hours as compensatory time for a shorter, future work week. Such flexibility could be met by allowing an employee to work eighty hours over a two-week period in any combination that the employee wishes, or by allowing the employee to take time-and-a-half off instead of time-and-a-half pay for any overtime hours worked. The decision to work a flexible schedule would be solely at the option of the employee, not the employer; and

WHEREAS, federal law prohibits such flexibility at the option of the private sector employee;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the First Regular Session of the Eighty-ninth General

Assembly, the House of Representatives concurring therein, that we respectfully urge the Congress of the United States to address this important issue by enacting legislation which would allow private sector employees to be able to choose paid flexible leave as set forth in this resolution; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to be transmitted forthwith to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Missouri Delegation of Congress.

REFERRALS

President Pro Tem McKenna referred **SB 19** to the Committee on State Budget Control.

THIRD READING OF SENATE BILLS

SCS for **SB 16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 16

An Act to repeal sections 105.450, 105.472, 105.492, 105.957, 105.959, 105.961, 105.963, 105.969, 130.016, 130.021, 130.031, 130.032, 130.036, 130.038, 130.051, 130.053, 130.054 and 130.056, RSMo 1994, and sections 105.483, 105.487, 130.011, 130.034, 130.037, 130.041, 130.046, 130.052, 130.100, 130.120, 130.130 and 130.140, RSMo Supp. 1996, relating to elections, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions and with a termination date for a certain section.

Was taken up by Senator Mathewson.

On motion of Senator Mathewson, **SCS** for **SB 16** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--27	

Nays--Senators

Banks	Clay	Maxwell	Staples--4
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Absent--Senators--Schneider--1

Absent with leave--Senators

Curls	Jacob--2
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The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SS for **SB 11**, introduced by Senator Caskey, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 11

An Act to repeal sections 49.082, 50.334, 51.281, 52.269, 53.082, 53.270, 54.261, 54.320, 55.091, 56.600, 57.317 and 57.550, RSMo 1994, and sections 50.333, 50.343, 56.265 and 58.095, RSMo Supp. 1996, relating to certain county officers and to enact in lieu thereof nineteen new sections relating to the same subject.

Was taken up.

On motion of Senator Caskey, **SS** for **SB 11** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Johnson	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Westfall	Wiggins	Yeckel--24

Nays--Senators

Banks	Flotron	Howard	Kenney
Kinder	Mueller	Quick	Sims--8

Absent--Senators--None

Absent with leave--Senators

Curls	Jacob--2
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The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 246, introduced by Senators Wiggins and Howard, entitled:

An Act to repeal sections 337.606, 337.612, 337.618, 337.621, 337.630 and 337.633, RSMo 1994, and sections 337.603, 337.615 and 337.627, RSMo Supp. 1996, relating to the state committee for social workers, and to enact in lieu thereof ten new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

On motion of Senator Wiggins, **SB 246** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Banks Staples--2

Absent with leave--Senators

Curls Jacob--2

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 179, introduced by Senator Johnson, entitled:

An Act to repeal sections 266.321 and 266.343, RSMo 1994, relating to fertilizer and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 179** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
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Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Curls	Jacob--2
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The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

SB 155, introduced by Senator House, entitled:

An Act to repeal section 67.1000, RSMo Supp. 1996, relating to tourism sales taxes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator House, **SB 155** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Curls Jacob--2

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Singleton moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

SB 34, with **SCA 1**, introduced by Senator Singleton, entitled:

An Act relating to the conveyance of certain real property by the Department of Natural Resources located in McDonald County.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Singleton, **SB 34**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Curls Jacob--2

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 131, introduced by Senator Staples, entitled:

An Act to repeal section 301.041, RSMo 1994, relating to commercial vehicle registration, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Staples, **SB 131** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators--McKenna--1

Absent with leave--Senators

Curls Jacob--2

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 170, introduced by Senator Caskey, entitled:

An Act to repeal section 347.015, RSMo Supp. 1996, relating to regulation of businesses, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 170** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Curls Jacob--2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators--Banks--1

Absent with leave--Senators

Curls Jacob--2

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 197, introduced by Senator Klarich, entitled:

An Act to repeal sections 351.093 and 351.323, RSMo 1994, and section 351.180, RSMo Supp. 1996, relating to corporations, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Klarich, **SB 197** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Banks Staples--2

Absent with leave--Senators

Curls Jacob--2

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 215, introduced by Senator Quick, entitled:

An Act to repeal section 595.050, RSMo 1994, relating to the services to victims fund, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Quick, **SB 215** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Curls Jacob--2

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

SB 175, with **SCA 1**, introduced by Senator McKenna, entitled:

An Act to repeal section 247.220, RSMo 1994, relating to public water supply districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

On motion of Senator McKenna, **SB 175**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Curls Jacob--2

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 164, introduced by Senator Caskey, entitled:

An Act to repeal sections 59.330 and 381.031, RSMo 1994, relating to land title records, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 164** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell

Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
Nays--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Curls	Jacob--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 189, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal section 165.011, RSMo Supp. 1996, relating to guaranteed energy saving performance contracts for schools, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 189**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 189

An Act to repeal section 165.011, RSMo Supp. 1996, relating to guaranteed energy saving performance contracts for schools, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 189** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 189** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell

Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
Nays--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Curls	Jacob--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 14, with **SCA 1**, introduced by Representative Lumpe, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1997.

Was taken up by Senator Lybyer.

SCA 1 was taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Lybyer, **HB 14**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Curls Jacob--2

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Klarich moved that **SB 55**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 55**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 55

An Act to repeal section 288.040, RSMo Supp. 1996, relating to unemployment benefit eligibility, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Klarich moved that **SCS** for **SB 55** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 55, Page 6, Section 288.040, Line 178, by adding after the word "**strike**" the following words: "**by withholding their service**"; and

Further amend said section, line 183, by striking the words "**during the strike**" and replacing in lieu thereof the words "**directly related to the bargaining process that resulted in the strike.**".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich moved that **SCS** for **SB 55**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **SB 55**, as amended, was declared perfected and ordered printed.

Senator Staples moved that **SB 132**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **SB 132**, as amended, was declared perfected and ordered printed.

Senator House moved that **SB 168**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 168**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 168

An Act to repeal sections 163.161, 167.270 and 167.275, RSMo 1994, and section 166.275, RSMo Supp. 1996, relating to education, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **SB 168** be adopted.

Senator House offered **SS** for **SCS** for **SB 168**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 168

An Act to repeal sections 163.161, 167.270 and 167.275, RSMo 1994, and section 166.275, RSMo Supp. 1996, relating to education, and to enact in lieu thereof five new sections relating to the same subject.

Senator House moved that **SS** for **SCS** for **SB 168** be adopted.

Senator Bentley offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 9, Section 170.015, Lines 7 and 8, by striking all of said lines.

Senator Bentley moved that the above amendment be adopted.

At the request of Senator Bentley, **SA 1** was withdrawn.

At the request of Senator House, **SB 168**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 257**, entitled:

An Act to repeal sections 361.170 and 362.610, RSMo 1994, relating to financial institutions, and to enact in lieu thereof twelve new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 99**, entitled:

An Act to repeal section 64.725, RSMo Supp. 1996, relating to county planning, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 277, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Darwin Johnson, Gallatin, which was adopted.

Senator House offered Senate Resolution No. 278, regarding Dale Brown, which was adopted.

Senator House offered Senate Resolution No. 279, regarding Marvin Freeman, which was adopted.

Senator House offered Senate Resolution No. 280, regarding Phyllis Schneider, St. Charles, which was adopted.

Senator Graves offered Senate Resolution No. 281, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Cramer Mansur, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 282, regarding Midwest Hanger Company, Cameron, which was adopted.

CONCURRENT RESOLUTIONS

Senator DePasco moved that **SCR 17** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **SCR 17** was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton

Westfall Wiggins Yeckel--27

Nays--Senators--None

Absent--Senators

Bentley Ehlmann Kinder Schneider

Staples--5

Absent with leave--Senators

Curls Jacob--2

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 163** be taken up for perfection, which motion prevailed.

On motion of Senator Caskey, **SB 163** was declared perfected and ordered printed.

Senator Mathewson moved that **SB 128**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 128, Page 5, Section 408.232, Line 3, by deleting the opening bracket, "[", from said line; and further amend said line by inserting immediately after the word "which", the following: ", **for any loan commenced prior to the effective date of this section,**"; and further amend line 4, by deleting the closing bracket, "]", and inserting in lieu thereof the following: "**and, for any loan commenced on or after the effective date of this section, shall be**".

Senator Clay moved that the above amendment be adopted, which motion failed.

Senator DePasco offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 128, page 7, Section 408.233, Line 63, by inserting the following immediately following said line:

"Section 1. No person, bank, holding company, trust company, partnership, association, corporation or other legal entity may establish, maintain or operate an automated device that processes financial transactions which involve credit cards on an excursion gambling boat. For purposes of this section, term "credit card" shall be as defined in the Consumer Credit Protection Act, 15 U.S.C. Section 1602 (k), or successor acts, and the term "excursion gambling boat" shall be as defined in section 313.800.

2. Violation of the provisions of subsection 1 of this act shall be a class C misdemeanor."

Senator DePasco moved that the above amendment be adopted.

At the request of Senator DePasco, **SA 2** was withdrawn.

On motion of Senator Mathewson, **SB 128**, as amended, was declared perfected and ordered printed.

Senator Russell moved that **SB 67**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Staples assumed the Chair.

Senator Banks assumed the Chair.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 67, Page 2, Section 238.302, Line 32, by deleting following "bridges" the ", tunnels or highways"; and further delete on line 35 following "bridges" ", tunnels or highways".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 67, Page 4, Section 238.365, Line 12, by adding, at the end of that Section, the following: "In the event that charges are filed against multiple owners of a motor vehicle, only one of the owners may be convicted and court costs may be assessed against only one of the owners. If the vehicle which is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the presumption by providing the peace officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation. No prosecuting authority may bring any legal proceedings against a rental or leasing company under this section unless prior written notice of the violation has been given to that rental or leasing company by registered mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice.".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Russell, **SB 67**, as amended, was declared perfected and ordered printed.

Senator Lybyer moved that **SB 299** be taken up for perfection, which motion prevailed.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 299, Page 1, Section 21.145, Line 6, by adding after the period on said line, the following:

"Any increase in per diem contained herein shall not become effective until the General Assembly enacts lobbyist reform legislation containing restrictions at least equal to those restrictions contained in the Rules of the Senate for the 89th Session of the General Assembly.".

Senator Klarich moved that the above amendment be adopted.

Senator Johnson resumed the Chair.

Senator Klarich offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 299, Page 1, Section 21.145, by amending said amendment, Line 5, before the word "Legislation", add the following: "expenditure limitation." and delete the remaining language.

Senator Klarich moved that the above amendment be adopted.

Senator Flotron offered **SSA 1** for **SA 1** to **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 299, Page 1, Section 21.145, Lines 4-7, by deleting those lines and inserting in lieu thereof the following, "effective until each body of the general assembly enacts rules limiting the receipts of gifts from lobbyists substantially equal to those restrictions contained in the rules of the Senate for the 89th session of the General Assembly.".

Senator Flotron moved that the above substitute amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Mathewson resumed the Chair.

Senator Jacob raised the point of order that **SA 1**, as amended, is out of order in that the amendment goes beyond the scope of the title and subject of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

On motion of Senator Lybyer, **SB 299** was declared perfected and ordered printed.

Senator House moved that **SB 247** be taken up for perfection, which motion prevailed.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 247, Page 2, Section 135.550, Line 42, by striking the word "**health**" and inserting in lieu thereof the words "**social services**"; and

Further amend said bill, Page 2, Section 135.550, Line 44, by striking the word "**health**" and inserting in lieu thereof the words "**social services**"; and

Further amend said bill, Page 2, Section 135.550, Line 47, by striking the word "**health**" and inserting in lieu thereof the words "**social services**"; and

Further amend said bill, Page 2, Section 135.550, Line 50, by striking the word "**health**" and inserting in lieu thereof the words "**social services**"; and

Further amend said bill, Page 3, Section 135.550, Line 57, by striking the word "**health**" and inserting in lieu thereof the words "**social services**"; and

Further amend said bill, Page 3, Section 135.550, Line 60, by striking the word "**health**" and inserting in lieu thereof the words "**social services**"; and

Further amend said bill, Page 3, Section 135.550, Line 63, by striking the word "**health**" and inserting in lieu thereof the words "**social services**"; and

Further amend said bill, Page 3, Section 135.550, Line 65, by striking the word "**health**" and inserting in lieu thereof the words "**social services**"; and

Further amend said bill, Page 3, Section 135.550, Line 67, by striking the word "**health**" and inserting in lieu thereof the words "**social services**"; and

Further amend said bill, Page 3, Section 135.550, Line 69, by striking the word "**health**" and inserting in lieu thereof the words "**social services**"; and

Further amend said bill, Page 3, Section 135.550, Line 71, by striking the word "**health**" and inserting in lieu thereof the words "**social services**"; and

Further amend said bill, Page 3, Section 135.550, Lines 75-79, by striking all of said lines; and

Further amend said bill, Pages 5-6, Section 135.600, Lines 76-80, by striking all of said lines.

Senator House moved that the above amendment be adopted, which motion prevailed.

On motion of Senator House, **SB 247**, as amended, was declared perfected and ordered printed.

Senator Banks moved that **SB 263**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 263**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 263

An Act to repeal sections 660.100, 660.105, 660.110, 660.115, 660.120, 660.122, 660.125 and 660.135, RSMo 1994, and section 660.130, RSMo Supp. 1996, relating to the funding of the Missouri utilicare and related energy assistance programs, and to enact ten new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Banks moved that **SCS** for **SB 263** be adopted.

Senator Banks offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 263, Page 4, Section 660.115, Line 30, by striking the word "of" and inserting in lieu thereof the word "**or**".

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 263, Page 6, Section 660.122, Line 39, by striking all of the following: "Any primary or secondary cooling source supplier subject"; and further amend lines 40 to 45, by striking all of said lines; and further amend line 46, by striking "with the terms of such extreme heat rule." and inserting in lieu thereof the following: "**All home energy suppliers receiving funds under this section shall provide service to eligible households consistent with their contractual agreements with the department of social services.**".

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 263, Page 2, Section 660.110, by deleting all new language lines 4, 5, 6, 7.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Singleton offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 263, Page 4, Section 660.115, Line 35, by adding after "year" a period "." and deleting the remaining line including period ".".

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Singleton offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 263, Page 7, Section 660.135, Line 1, by removing brackets from around "five" and deleting "twenty".

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Banks, **SB 263**, with **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 407--By Howard.

An Act to amend sections 221.405 and 221.410, RSMo 1994, relating to regional jail districts, and to enact in lieu thereof two new sections relating to the same subject.

SB 408--By Jacob.

An Act relating to energy costs.

SB 409--By McKenna and Goode.

An Act to repeal sections 643.020, 643.225, 643.242 and 643.250, RSMo 1994, relating to asbestos abatement projects, and to enact in lieu thereof four new sections relating to the same subject.

SB 410--By Mathewson.

An Act to repeal section 407.950, RSMo Supp. 1996, relating to the wheelchair lemon law, and to enact in lieu thereof one new section relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 18**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 141**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 346**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 347**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 289**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 342**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 112**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 112, Page 1, Section 89.100, Line 2, by striking "association" and inserting in lieu thereof the following: "**any neighborhood organization as defined in section 32.105, RSMo,**"; and

Further amend said bill, page 2, section 89.110, line 2, by striking "association" and inserting in lieu thereof the following: "**any neighborhood organization as defined in section 32.105, RSMo,**".

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 283, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Tad Dec, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, Roger Hoen and Kevin Tinker, Farmington.

Senator Flotron introduced to the Senate, Josephine Emerick, and her children, Adam and Erin, St. Louis; and Adam and Erin were made honorary pages.

Senator Westfall introduced to the Senate, Dr. Anson Elliott, Dr. Johnson, and members of the Southwest Missouri State Collegiate Farm Bureau, Adrienne Nielson, Suzanne Biglieni, Janet Adkison, Tom Howard, Jay Shepherd, Stacy Cornell, Greg Black and Jeremy Hayward.

Senator Wiggins introduced to the Senate, Dr. Tom Purcell, Kansas City.

Senator Graves introduced to the Senate, twenty students from Northwest Missouri State University.

Senator Mueller introduced to the Senate, Bill Remert, Kirkwood.

Senator Wiggins introduced to the Senate, civic leaders and members of the Raytown Chamber of Commerce.

Senator Howard introduced to the Senate, Shirley K. Davis, Caruthersville.

Senator Rohrbach introduced to the Senate, Gary Harris, Boonville; and George Luther, Shawnee, Kansas.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SIXTH DAY--THURSDAY, FEBRUARY 20, 1997

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, space dreamers long to go where no man has ever gone. We may never travel through space but we can go where too many have never gone. Lead us to the home of a person in need, to the side of a neglected child, to the handle of a neighbor's load and to the side of the lonely. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Johnson announced that photog-raphers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--Curls--1

RESOLUTIONS

Senator Graves offered Senate Resolution No. 284, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clarence Workman, King City, which was adopted.

Senator Graves offered Senate Resolution No. 285, regarding the Grundy County Farm Bureau, Trenton, which was adopted.

Senator Yeckel offered Senate Resolution No. 286, regarding Howard Brandt, which was adopted.

Senator Rohrbach offered Senate Resolution No. 287, regarding G. D. Miller, Jefferson City, which was adopted.

Senator Caskey offered Senate Resolution No. 288, regarding the death of Delton Louis Houtchens, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 411--By Singleton.

An Act to annul Supreme court rules 32.03 and 51.03 relating to change of venue from counties with a population of seventy-five thousand or fewer.

SB 412--By Singleton.

An act to repeal section 545.490, RSMo 1994, relating to change of venue in criminal cases, and to enact in lieu thereof one new section relating to the same subject.

SB 413--By Childers.

An Act to repeal section 311.095, RSMo Supp. 1996, relating to liquor licenses, and to enact in lieu thereof one new section relating to the same subject.

SB 414--By Maxwell.

An Act to repeal section 50.515, RSMo 1994, relating to county administrative service fees, and to enact in lieu thereof one new section relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator McKenna moved that **SB 51**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 51** was again taken up.

Senator McKenna offered **SS** for **SCS** for **SB 51**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 51

An Act to repeal sections 452.150, 452.355, 452.370, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605 and 454.496 RSMo 1994, and sections 452.330, 452.340, 452.375 and 452.400, RSMo Supp. 1996, relating to child custody and child support proceedings, and to enact in lieu thereof fifteen new sections relating to the same subject.

Senator McKenna moved that **SS** for **SCS** for **SB 51** be adopted.

Senator Caskey offered **SS** for **SS** for **SCS** for **SB 51**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 51

An Act to repeal sections 452.150, 452.355, 452.370, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605 and 454.496 RSMo 1994, and sections 452.330, 452.340, 452.375 and 452.400, RSMo Supp. 1996, relating to child custody and child support proceedings, and to enact in lieu thereof fifteen new sections relating to the same subject.

Senator Caskey moved that **SS** for **SS** for **SCS** for **SB 51** be adopted.

Senator McKenna raised the point of order that **SS** for **SS** for **SCS** for **SB 51** is out of order under the provisions of Senate Rule 64.

The point of order was referred to the President Pro Tem, who ruled it well taken.

At the request of Senator McKenna, **SB 51**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Banks moved that **SB 263**, with **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 5 was again taken up.

Senator Banks offered **SSA 1** for **SA 5**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 263, Page 3, Section 660.115, Lines 19-20, by striking the following: "**heating season of December, January and February**" and inserting in lieu thereof the following: "**fiscal year**"; and

Further amend said bill, Page 4, Section 660.115, Line 23, by placing an opening bracket "[" before the comma and word ", with"; and

Further amend said bill, Page 4, Section 660.115, Lines 24-25, by striking the following: "[heating] **household's energy**" and inserting in lieu thereof the following: "heating"; and

Further amend said bill, Page 4, Section 660.115, Line 25, by striking the following: "[the] **each**" and inserting in lieu thereof the following: "the"; and

Further amend said bill, Page 4, Section 660.115, Line 25, by striking the following: "**or periods**" and inserting in lieu thereof the following: "period]."; and

Further amend said bill, Page 4, Section 660.115, Line 26, by inserting immediately after the word "**each**" the following: "**fiscal year**"; and

Further amend said bill, Page 4, Section 660.115, Line 27, by striking the following: "**cooling season of June, July and August**"; and

Further amend said bill, Page 4, Section 660.115, Lines 29-30, by striking the following: ", **with such amount not to exceed fifty percent of the household's energy bill for each covered period of periods**"; and

Further amend said bill, Page 4, Section 660.115, Line 43, by striking the words "in three monthly payments" and inserting in lieu thereof the following: "[in three monthly payments]".

Senator Banks moved that the above substitute amendment be adopted, which motion prevailed.

Senator Staples assumed the Chair.

Senator Singleton offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 263, Page 7, Section 660.135, Line 1, by removing brackets from around "five" and deleting "twenty".

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Johnson assumed the Chair.

Senator Singleton offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 263, Page 2, Section 660.100, Line 24, by adding following said line:

"3. For purposes of sections 660.100 to 660.136, the term payment to any household or any primary or secondary heating or cooling service shall be at 50% of usual and customary of all said bills."

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Goode offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 263, Page 7, Section 660.135, Lines 9-14, by striking all of said lines and inserting in lieu thereof the following:

"2. The department of social services may, in coordination with the department of natural resources, apply a portion of the funds appropriated annually by the general assembly to the utilicare stabilization fund established pursuant to section 660.136 to the low income weatherization assistance program of the department of natural resources; provided that any project financed with such funds shall have a full energy savings payback period of no greater than five years."

Senator Goode moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Singleton offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bill No. 263, Page 2, Section 660.100, Line 24, by adding following said line:

"3. For purposes of sections 660.100 to 660.136, the term payment to any household or any primary or secondary

heating or cooling source shall be at up to cost.".

Senator Singleton moved that the above amendment be adopted.

Senator Banks raised the point of order that **SA 9** is out of order in that it attempts to change the intent and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 9 was again taken up.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Banks moved that **SCS** for **SB 263**, as amended, be adopted, which motion prevailed.

On motion of Senator Banks, **SCS** for **SB 263**, as amended, was declared perfected and ordered printed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 415--By Quick.

An Act to repeal sections 190.010, 190.015, 190.043, 190.055, 190.060, 190.100, 190.105, 190.120, 190.160, 190.165, 190.171, 190.175, 190.180, 190.190, 190.241 and 190.245, RSMo 1994, and section 190.185, RSMo Supp. 1996, relating to emergency medical services, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions.

SB 416--By Klarich.

An Act relating to the conveyance of certain real property of the Missouri department of corrections located in St. Louis County.

SB 417--By Schneider.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to taxation.

SB 418--By Schneider.

An Act to repeal sections 143.124, 143.161, 144.021, 144.037, 144.440, 144.701 and 253.401, RSMo 1994, and section 144.020, RSMo Supp. 1996, relating to taxation, and to enact in lieu thereof eighteen new sections relating to the same subject, with an effective date for certain sections.

SB 419--By Schneider.

An Act to repeal section 135.030, RSMo 1994, relating to taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 420--By Goode.

An Act to repeal section 536.024, RSMo Supp. 1996, relating to the joint committee on administrative rules, and to enact in lieu thereof one new section relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 289**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 299; SB 163; SB 128; SB 67; SB 132; SB 72; SCS for SB 55; and SB 247**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 421--By Banks.

An Act to amend chapter 483, RSMo, by adding thereto one new section relating to certain judicial personnel.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 289, regarding Mr. Fred E. Starnes, Sedalia, which was adopted.

Senator Rohrbach offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 290

WHEREAS, the members of the Missouri Senate deem it both worthwhile and necessary to support those programs aimed at promoting good citizenship qualities within our youth; and

WHEREAS, the Jefferson City Rotary Club has sought to instill values of high integrity in Missouri students while providing them with an opportunity to experience state government firsthand through its Student Government Day program; and

WHEREAS, the Missouri Senate has maintained a policy of granting such organizations permission to use the Senate Chamber for the purpose of conducting activities related to governmental or citizenship projects;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on March 31, 1997.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 14** and has again taken up and passed **HB 14** as amended.

SECOND READING OF SENATE BILLS

The following Bill and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 403--Ways and Means.

SJR 15--Ways and Means.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments

and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Colleen K. Conrad and Robert A. Pearson, as members of the Missouri State Board of Accountancy;

Also,

Douglas W. Guthals, as a member of the Missouri Health Facilities Review Committee;

Also,

R. Mark Alexander, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Josephine L. Emerick, as a member of the Missouri Board for Architects, Professional Engineers and Land Surveyors;

Also,

Karen W. Taylor, as a member of the Missouri Training and Employment Council;

Also,

Angela E. Cass, as a member of the Committee for Professional Counselors.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem McKenna re-referred **SB 366** to the Committee on Financial and Governmental Organization.

President Pro Tem McKenna referred **SB 299** to the Committee on State Budget Control.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 491**, entitled:

An Act to amend chapter 144, RSMo, relating to sales and use taxes by adding thereto one new section relating to sales and use taxes on food, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 151**, entitled:

An Act to repeal sections 260.380 and 260.479, RSMo 1994, relating to fees on hazardous wastes, and to enact in lieu thereof three new sections relating to the same subject, with an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 51**, entitled:

An Act to repeal section 186.055, RSMo Supp. 1996, relating to the humanities trust fund, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Flotron introduced to the Senate, Earl and Betty Stolte and Warren Stemme, St. Louis.

Senator Staples introduced to the Senate, Mike Green and Donnie Johnson, Winona; and Dan Lenz, Eminence.

Senator Rohrbach introduced to the Senate, eighth grade students from St. Joseph's School, Pilot Grove.

Senator Kenney introduced to the Senate, the Physician of the Day, Gale Oleson, M.D., Kansas City.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, February 24, 1997.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SEVENTH DAY--MONDAY, FEBRUARY 24, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, an Old Testament Proverb says, "A merry heart doeth good like a medicine." We are thankful for those who bring a smile to our face and warmth to our soul, for those who brighten our day and bring cheer to our lives. We can't all give gifts of gold and silver so help us to brighten the corner where we are. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 20, 1997, was read and approved.

Senator Quick announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Curls--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 291, regarding Benjamin Jared (Ben) Jacob, Ballwin, which was adopted.

Senator Rohrbach offered Senate Resolution No. 292, regarding National TRIO Day, which was adopted.

Senator Yeckel offered Senate Resolution No. 293, regarding David Schneider, which was adopted.

Senator Mueller offered Senate Resolution No. 294, regarding the Circle of Concern, Valley Park, which was adopted.

Senators Westfall, Russell and Rohrbach offered Senate Resolution No. 295, regarding the death of L.W. "Larry" Meier, Jr., Bolivar, which was adopted.

Senator Mueller offered Senate Resolution No. 296, regarding Vernon Chaplin, Webster Groves, which was adopted.

Senator Graves offered Senate Resolution No. 297, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wilbur Hannah, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 298, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Mooney, Gallatin, which was adopted.

Senator Graves offered Senate Resolution No. 299, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Adwell, Ravenwood, which was adopted.

Senator Graves offered Senate Resolution No. 300, regarding the Ninetieth Birthday of Mrs. Reba Robertson, Albany, which was adopted.

Senator Graves offered Senate Resolution No. 301, regarding Theresa Figg, Chillicothe, which was adopted.

Senator Schneider offered Senate Resolution No. 302, regarding Sergeant William Pierce, which was adopted.

Senator Maxwell offered Senate Resolution No. 303, regarding Marcella Farrah, which was adopted.

Senator Howard offered Senate Resolution No. 304, regarding Leon Ward, which was adopted.

Senator Kenney offered Senate Resolution No. 305, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard W. Mason, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 306, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marvin Long, Greenwood, which was adopted.

Senator Caskey offered Senate Resolution No. 307, regarding Black History Month, which was adopted.

Senator Westfall offered Senate Resolution No. 308, regarding Mrs. Jobeth Ellis Maas, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 422--By Howard.

An Act to repeal sections 195.010, 195.050, 195.060, 195.070, 195.100, 195.110, 195.204, 195.400, 337.015, and 338.010, RSMo 1994, relating to psychologists, and to enact in lieu thereof eleven new sections relating to the same subject.

SB 423--By Ehlmann.

An Act to repeal sections 430.230 and 430.235, RSMo 1994, relating to certain liens, and to enact in lieu thereof one new section relating to the same subject.

SB 424--By Staples.

An Act to authorize the lease of certain property to a developer for the purpose of constructing a prison to be leased to the state.

SB 425--By Staples.

An Act to repeal section 301.058, RSMo 1994, and section 301.010, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

SB 426--By Clay.

An Act relating to certain health care benefits with a conditional effective date for certain sections, and submitting said act to the voters of the state for approval or rejection under referendum provisions of the constitution.

SJR 17--By McKenna.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article IX of the Constitution of Missouri, relating to education and adopting one new section in lieu thereof relating to the same subject.

Senator Wiggins assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 191**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 191**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 191

An Act to amend chapter 701, RSMo, by adding one new section relating to grinder pump pressure sewer systems, with an emergency clause.

Was taken up.

Senator Caskey moved that **SCS** for **SB 191** be adopted.

Senator DePasco offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 191, Page 1, Section 701.024, Line 18, by inserting immediately after the word "works" the following: "**that has ownership of interceptor and local sewers**".

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 191, Page 1, Section 701.024, Line 1, by deleting the words "Grinder pump" and insert the word "Low" and further amend said bill and section, line 6, by deleting the words "grinder pump" and insert the word "low" and further amend said bill, page 2, line 21, by deleting the word "grinder" and insert the words "low pressure".

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SCS** for **SB 191**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 191**, as amended, was declared perfected and ordered printed.

Senator Quick moved that **SB 303**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Quick moved that **SCA 1** be adopted, which motion failed.

Senator Quick offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 303, Pages 11, Section 238.227, Lines 3 and 4, by striking the following: "A district may also use tax increment financing pursuant to chapter 99, RSMo."; and

Further amend said bill, pages 14-23, section 238.235, lines 1-305, by deleting all of said section and inserting in lieu thereof the following:

"238.235. 1. (1) Any [one of those] transportation development [districts described in subsection 9 of this section] **district** may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation [under] **pursuant to** the provisions of sections 144.010 to 144.525, RSMo, **except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Such transportation development district sales tax may be imposed** for any transportation development purpose designated by the transportation development district in its ballot of submission to its **qualified** voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless the board of directors of the transportation development district submits to the **qualified** voters of the transportation development district, at a state general, primary, or special election, a proposal to authorize the board of directors of the transportation development district to impose a tax [under] **pursuant to** the provisions of this section.

(2) The ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development

district shall again have submitted another proposal to authorize it to impose the sales tax [under] **pursuant to** the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) [Within ten days after the adoption of any resolution in favor of the adoption of a transportation development district sales tax by the voters of such transportation development district, the transportation development district shall forward to the director of revenue, by United States registered mail or certified mail, a certified copy of the resolution of its board of directors. The resolution shall reflect the effective date thereof.] The sales tax authorized by this section shall become effective on the first day of the second calendar quarter [after the director of revenue receives notice of adoption of such tax] **following adoption of the tax by the qualified voters.**

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by [the sales tax laws of the state of Missouri, by] the transportation development district pursuant to this section[, and all other applicable local sales taxes which are collected by the director of revenue, to his] **to the retailer's** sale price, and when so added such [combined] tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. [The combined rate of the state sales tax, any city sales tax, transportation sales tax, tax for education and highways, county, sales taxes, and all transportation development district sales taxes shall be the sum of the combined rates, multiplying the combined tax rate times the amount of the sale.]

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the [director of revenue shall] **transportation development district may** establish appropriate brackets which shall be used in [districts] **the district** imposing a tax [under] **pursuant to** this section in lieu of those brackets provided in section 144.285, RSMo.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the **qualified** voters [under] **pursuant to** subdivision (2) of this subsection or if the tax authorized by this section is repealed [under] **pursuant to** subsection [8] **6** of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, [or] one-half of one percent, **or one percent** on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri [under] **pursuant to** the provisions of sections 144.010 to 144.525, RSMo, **except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities.** [If a city or county transportation sales tax or a county capital improvements sales tax already exists anywhere within the district, the maximum combined rate of these existing sales taxes with the transportation development district sales tax which may be imposed by the district shall not exceed one-half of one percent.] Any transportation development district sales tax imposed [under] **pursuant to** this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax [under] **pursuant to** this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax[. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525, RSMo, and the tax imposed by the resolution as authorized by this section, plus any amounts imposed under other provisions of law] **and the tax shall be reported and returned to and collected by the transportation development district.**

3. On and after the effective date of any tax imposed [under] **pursuant to** this section, the [director of revenue] **transportation development district** shall perform all functions incident to the administration, collection, enforcement, and operation of the tax[, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized under this section]. The tax imposed [under] **pursuant to** this section [and the taxes imposed under all other laws of the state of Missouri] shall be collected [together] and reported upon such forms and under such administrative rules and regulations as may be prescribed by the [director of revenue] **transportation development district**.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, **sections 32.085 and 32.087, RSMo**, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services [under] **pursuant to** the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the [director of revenue] **transportation development district** may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer [under] **pursuant to** the provisions of the state sales tax laws for the collection of and for payment of taxes [under] **pursuant to** such laws are hereby allowed and made applicable to any taxes collected [under] **pursuant to** the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or [his] **the retailer's** agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which [he] **the employee** works.

[(7) For the purposes of a sales tax imposed by a resolution pursuant to this section, all retail sales of motor vehicles shall be deemed to be consummated at the residence of the purchaser and not at the place of business of the retailer or the place of business from which the retailer's employee works.]

5. (1) All sales taxes collected by the [director of revenue under this section on behalf of any] transportation development district[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in this section,] shall be deposited [in the state treasury to the credit of the "Transportation Development District Sales Tax Fund", which is hereby created. Moneys in the transportation development district sales tax fund shall not be deemed to be state funds and shall not be commingled with any funds of the state] **by the transportation development district in a special fund to be expended for the purposes authorized in this section**. The [director of revenue] **transportation development district** shall keep accurate records of the amount of money which was collected [in each transportation development district imposing a sales tax under] **pursuant to** this section, and the records shall be open to the inspection of officers of each transportation development district and the general public. [Not later than the tenth day of each month, all moneys deposited during the preceding month due the transportation development districts imposing the tax authorized by this section shall be distributed by the state treasurer.

(2) The director of revenue may authorize the state treasurer to make refunds from the amounts credited to any transportation development district for erroneous payments and overpayments made, and may authorize the state treasurer to redeem dishonored checks and drafts deposited to the credit of such districts. If any transportation development district repeals the tax authorized by this section, the transportation development district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by this section in such transportation development district, the director of revenue shall authorize the state treasurer to remit the balance in the account to the transportation development district and close the account of that transportation development district. The director of revenue shall notify each transportation development district of each instance of any amount refunded or any check redeemed from receipts due the transportation development district.

(3) The director of revenue shall annually report on his management of the administration of the sales taxes authorized by this section. He shall provide each transportation development district imposing the tax authorized by this section with a detailed accounting of the source of all funds received by him for the transportation development district. Notwithstanding any other provisions of law to the contrary, the state auditor shall annually audit the trust fund. A copy of the director's report and annual audit shall be forwarded to each transportation development district imposing the tax authorized by this section.

(4) The director of revenue, and any of his deputies, assistants, and employees who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of this section shall enter a surety bond or bonds payable to any and all districts in whose behalf such funds have been collected under this section in the amount of one hundred thousand dollars, except that the director of revenue may enter into a blanket bond or bonds covering himself and all such deputies, assistants, and employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by the director of revenue from the share of the collection retained by the director of revenue for the benefit of the state.

6. Transportation development district taxes imposed pursuant to this section and use taxes on the purchase and sale of motor vehicles shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a transportation development district imposing a sales tax under this section. The amounts so collected, less the one percent collection cost, shall be distributed in accordance with subsection 5 of this section.

7. (1) In any transportation development district in which a transportation development district sales tax has been imposed under this section, if any person is delinquent in the payment of the amount required to be paid by him under this section or has had a determination made against him for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax laws, and where such person is also delinquent in payment of taxes under this section, the director of revenue shall notify the transportation development district to which delinquent taxes are due under this section, by United States registered mail or certified mail, at least ten days before turning the case over to the attorney general. The transportation development district, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment for the delinquent taxes and penalty due such transportation development district. In the event any person fails or refuses to pay the amount of any sales tax due under this section, the director of revenue shall promptly notify the treasurer or other designated officer of the transportation development district to which the tax would be due so that appropriate action may be taken by the transportation development district.

(2) Where property is seized by the director of revenue under the provision of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax laws, and where such taxpayer is also delinquent in payment of any tax imposed by this section, the director of revenue shall permit the transportation development district to join in any sale of property to pay the delinquent taxes and penalties due the state and to the transportation development district under this section. The proceeds from such sale shall first be applied to all

sums due the state, and the remainder, if any, shall be applied to all sums due such transportation development district under this section.

8.] **6. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment [is submitted to and approved by the voters of the transportation development district in the manner provided in subdivision (2) of this subsection] will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.**

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the [registered] **qualified** voters [of such transportation development district voting in the last gubernatorial election,] calling for an election to repeal such transportation development sales tax, the board of directors shall, **if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects,** submit to the **qualified** voters of such transportation development district a proposal to repeal the transportation development sales tax imposed [under] **pursuant to** the provisions of this section. If a majority of the votes cast on the proposal by the [registered] **qualified** voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the [registered] **qualified** voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

[9. The transportation development district sales tax authorized by this section may only be imposed by a transportation development district which consists of:

(1) All of one or more entire counties;

(2) All of one or more entire cities; or

(3) All of one or more entire counties and one or more entire cities which are totally outside the boundaries of those counties; and contains no other area. For the purpose of this subsection only, "county" means any county of the state of Missouri and the city of St. Louis; and "city" means any incorporated city, town or village in the state of Missouri with a population of five hundred or more, except those within a first class county operating under a charter form of government which does not contain a city or part of a city of over four hundred thousand inhabitants.]."

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 303, Page 3, Section 238.207, Line 16, by inserting after all of said line the following:

"4. Alternatively, the governing body of a city not within a county or any first class county within fifty miles of such city not within a county may petition in the circuit court of that city or county to request the creation of a district. The governing bodies of at least three of the other described jurisdictions shall join in the petition; otherwise the petition shall not be valid. The purpose of a district formed under this subsection shall be the operation of any international airport located in Missouri within fifty miles of a city not within a county, as described in section 238.223."; and

Further amend said bill, page 3, section 238.207, line 43, by inserting immediately after all of said line the following:

"(9) If the district is intended to operate any international airport within the district, a statement of that intent;"; and

Further amend said bill, Page 3, Section 238.207, Line 44, by striking the number "(9)" and inserting in lieu thereof the following: "**[(9)] (10)**"; and

Further amend said bill, Page 4, Section 238.207, Line 50, by striking the number "(10)" and inserting in lieu thereof the following: "**[(10)] (11)**"; and

Further amend said bill, Page 4, Section 238.210, Line 1, by inserting immediately before the word "Within" the following: "**Except as provided in subsection 3 of this section,**"; and

Further amend said bill, Page 5, Section 238.210, Line 39, by inserting immediately after all of said line the following:

"3. Any petition for a district which is created to operate an international airport within fifty miles of the City of St. Louis shall be ordered certified for voter approval without the need for a declaratory judgment if the petition is properly filed."; and

Further amend said bill, Page 5, Section 238.210, Line 40, by striking the number "3." and inserting in lieu thereof the following: "**[3.] 4.**"; and

Further amend said bill, Page 5, Section 238.212, Line 2, by inserting before the word "If" the words "**Except as provided in subsection 2,**"; and

Further amend said bill, Page 6, Section 238.212, Line 32, by inserting after all of said line the following:

"2. If the petition is filed to create a district to operate an international airport located within fifty miles of the City of St. Louis, the circuit clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties contained in the district to publish once a week for four consecutive weeks a notice substantially in the following form:

NOTICE OF PETITION TO SUBMIT TO A

POPULAR VOTE

THE CREATION OF A

TRANSPORTATION DEVELOPMENT DISTRICT

Notice is hereby given to all persons residing in St. Louis City, St. Louis County, Jefferson County, Franklin County and St. Charles County, within the state of Missouri, that a petition has been filed asking that upon voter approval, a transportation development district by the name of "**..... Transportation Development District**" be formed for the purpose of operating the following transportation facility: (here summarize the proposal). A copy of this petition is on file and available at the office of the clerk of the circuit court of **..... County**, located at **....., Missouri**.

..... Clerk of the Circuit Court of County"; and

Further amend said bill, Page 6, Section 238.212, Line 33, by striking the number "2." and inserting in lieu thereof the following: "**[2.] 3.**"; and

Further amend said bill, Page 6, Section 238.215, Line 7, by inserting immediately after the number "2." the words "**Except as provided in subsection 3,**"; and further on line 18, by inserting after all of said line the following:

"3. For a district created to operate an international airport within fifty miles of the city of St. Louis, the

question shall be submitted in substantially the following form:

Shall there be organized in St. Louis City, St. Louis County, Jefferson County, Franklin County and St. Charles County, within the state of Missouri, a transportation development district, to be known as the "..... Transportation Development District" for the purpose of operating the following transportation facility: (here summarize the proposal and require each voter to approve or disapprove of each project)?"; and

Further amend said bill, Page 6, Section 238.215, Line 19, by striking the number "3." and inserting in lieu thereof the following: "[3.] **4.**"; and

Further amend said bill, page 9, section 238.220, line 1, by striking "Notwithstanding" and inserting in lieu thereof the following: **"Except as provided in subsection 2 of this section and notwithstanding"**; and further on page 10, line 27 of said section, by inserting after all of line 27 the following:

"2. In any district created to operate an international airport within fifty miles of the city of St. Louis, the district board of directors shall be formed as provided in this subsection. The mayor of the city of St. Louis, the county executive of St. Louis County, the county executive of St. Charles County and the county commissions of Jefferson and Franklin Counties, with the advice and consent of their respective governing bodies, shall each appoint one member of the authority for each one hundred thirty thousand residents in the city or county according to the latest decennial census. In no event shall any appointing authority for a city or county appoint a majority of the members of the board. The first, third and fifth members initially appointed by an appointing authority shall be appointed for a term of four years. The second, fourth and sixth initial members shall be appointed for a term of two years. Appointments subsequent to the initial appointments shall be for a term of four years. Each member shall be subject to removal by the appointing authority. Any fraction of a year shall be considered a full year and each member's term of office shall expire on the appropriate fifteenth day of January, but he shall continue to hold office until his successor is appointed and qualified. One more than one-half of the members of the board shall constitute a quorum. Vacancies occurring in the membership shall be filled by appointment by the person making the original appointment for the unexpired remainder of the term. The board membership shall elect a member to serve as chairman. No person shall be appointed to the board who is an elected official of the state of Missouri or any political subdivision thereof. No person shall be appointed to the board who is actively engaged or employed in commercial aeronautics. The members of the board shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties."; and by renumbering the remaining subsections accordingly; and

Further amend said bill, Page 11, Section 238.227, Line 1, by inserting immediately before said line the following:

"238.223. 1. A district may be formed as provided in subsection 4 of section 238.207 to operate any international airport located within fifty miles of a city not within a county. Any district so formed shall honor all bonds, debts, outstanding obligations and contracts of any airport authority, city and the airport affected.

2. The operation of the international airport by the board shall replace the operation of the airport by any other entity created by local ordinance beginning on January 15, 1998. However, nothing in sections 238.200 to 238.275 shall be construed to change the ownership of such international airport.

3. A district formed to operate such an international airport shall not have the authority to impose any additional funding methods as described in sections 238.200 to 238.275.

4. A district formed to operate such an international airport shall have all the powers given to the Missouri-St. Louis metropolitan airport authority under sections 305.500 to 305.585, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Quick, **SB 303**, as amended, was declared perfected and ordered printed.

At the request of Senator Mathewson, **SB 165**, with **SCS**, was placed on the Informal Calendar.

Senator Staples moved that **SB 315**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 315, Page 2, Section 304.050, Line 28, by adding immediately after the period and before the word "the" the following, "Except as otherwise provided in this section,"; and

Further amend said bill, by adding on page 2, section 304.050, line 32 immediately after the word "unloading." the following:

"The driver of a school bus in the process of loading or unloading students upon a divided highway of four or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution, and in such case, the driver of a vehicle may proceed past the school bus with due caution."; and

Further amend said bill, by adding on page 2, section 304.050, line 39, immediately after the word "least" the words,

"Five hundred feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty miles per hour and at least"; and

Further amend said bill by deleting on page 2, section 304.050, line 40 immediately after the word "upon" the words, "the highway and then" and by inserting in lieu thereof the words, "other highways, and on all highways,".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **SB 315**, as amended, was declared perfected and ordered printed.

Senator DePasco moved that **SB 142**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Quick assumed the Chair.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 142, Page 5, Section 367.044, Line 138 by inserting immediately after said line the following:

"8. When an item of property is the subject of a lease or rental transaction between the claimant and the claimant's lessee or rental customer at the time it is delivered into the possession of the pawnbroker, the property shall not be deemed misappropriated unless it bears a conspicuous permanent label or marking identifying it as the claimant's property. Property subject to a lease or rental transaction which is not marked as provided in the subsection may be recovered by the claimant upon payment to the pawnbroker of all moneys owing to or advanced by the pawnbroker in the pawn or purchase transaction, including accrued pawn service charges in pawn transactions, and upon producing evidence identifying the property as having been the property of the claimant and leased or rented at the time the property was placed in the pawnbroker's possession. The pawnbroker shall be free from liability in connection with the recovery of leased or rental property pursuant to this subsection."

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

On motion of Senator DePasco, **SB 142**, as amended, was declared perfected and ordered printed.

Senator Scott moved that **SB 222**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 222**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 222

An Act to repeal sections 104.374, 104.415 and 104.612, RSMo 1994, and sections 104.395, 287.820 and 476.601, RSMo Supp. 1996, relating to retirement of state officers and employees, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

Senator Scott moved that **SCS** for **SB 222** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 222, Page 2, Section 104.395, Line 13, by inserting immediately after the word "spouse", the following:

". Such member's reduction shall take into consideration and be calculated at an amount equal to the difference between the member's normal annuity as in effect on August 28, 1997, which the member could have received had the member chosen option 2 of this section and the reduced annuity which occurred under option 2 prior to the effective date of this section, as currently determined by actuarial calculations"; and

Further amend said bill, section 104.612, page 11, line 186, by inserting immediately after "1997" the following: ";

(5) Any retired member who terminated employment on or after October 1, 1984, who is receiving an annuity on August 28, 1997, and who elected a normal annuity or one of the options providing for a continuing lifetime annuity to a surviving spouse, shall, upon application be made, constituted and appointed by the board as a special consultant on the problems of retirement, aging and other matters relating to retirement and, upon request, shall give opinions, in writing or orally, in response to requests of the board. As compensation for the services required by this subsection, each special consultant may elect, in lieu of the benefits being received, to receive benefits under option 1 of section 104.395 as in effect on August 28, 1997. The election shall be made on or before January 1, 2000, and the member's benefit shall revert the first of the month, following receipt by the board of a written application, to an amount equal to the member's adjusted reduced annuity as adjusted for early retirement if applicable. The member's benefit shall include any formula or minimum benefit increases or

both, and cost of living increases the retired member would have received since the date of retirement had the member elected option 1 of section 104.395 as in effect on August 28, 1997.

(6) Any retired member who makes the application provided for by subdivision (5) of this subsection shall waive rights to any survivor annuity which may have otherwise been payable.

(7) Any member who terminated employment on or after October 1, 1984, but before August 28, 1997, and who retires after August 28, 1997, may elect at retirement to become a special consultant as provided for in subdivision (5) of this subsection and elect upon retirement option 1 provided for under the provisions of section 104.395 as in effect on August 28, 1997".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Johnson offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 222, Page 1, Section A, Line 5, by inserting immediately after all of said line the following:

"104.103. 1. Each member who **was employed prior to August 28, 1997 and** retires on or after May 12, 1981, shall receive each year [an] **a percentage** increase in the amount of benefits received by the member during the preceding year of eighty percent of the increase in the consumer price index determined in the manner hereinafter provided. Any such annual benefit increase, however, shall not exceed five percent, nor be less than four percent, and the total increase in the amount of benefits received pursuant to the provisions of this section shall not exceed sixty-five percent of the initial monthly benefit which the member received upon retirement or the benefit received immediately prior to October 1, 1986, whichever is later.

2. Each member who is employed for the first time on or after August 28, 1997, and retires shall be entitled annually to a percentage increase in the retirement benefit payable equal to eighty percent of the increase in the consumer price index. Such benefit increase, however, shall not exceed five percent of the retirement benefit payable prior to the increase.

3. Each member who is employed before August 28, 1997, and terminates employment or retires after that date shall be entitled to the annual benefit increase described in subsection 1 of this section. For such members, the annual benefit increase described in subsection 2 of this section shall not be effective until the year in which the member reaches the limit on total annual benefit increases provided by subsection 1 of this section. After that year, the member shall receive the annual benefit increase described in subsection 2 of this section.

4. Survivors of members described in subsection 2 of this section shall be entitled to the annual benefit increase described in that subsection.

[2.] **5. For the purposes of this section, any increase in the consumer price index shall be determined [by the board in February] in January of each year, [beginning with February of 1981,] based upon the percentage increase of (a) the consumer price index for the preceding calendar year over (b) the consumer price index for the calendar year immediately prior thereto. Any increase so determined shall be applied [by the board] in calculating any benefit increases that become payable under this section [for the twelve-month period beginning with the March first immediately following such determination] during the calendar year in which the determination is made and in no case shall the percentage be less than zero.**

[3.] **6. An annual increase, if any is due under either this section or section 104.612 for special consultants with the highways and transportation employees' and highway patrol retirement system, shall be payable monthly beginning on a date specified by the board.**

[4.] **7. For members who retire on or after August 28, 1994, in the event such member has chosen a joint and survivor**

option under the provisions of section 104.090 and the member's eligible spouse precedes the member in death, the member's benefit shall revert, effective the first of the month following receipt by the board of a written application for the benefit provided in this subsection, to an amount equal to the member's normal annuity, as adjusted for early retirement if applicable; such benefit shall include any increases the member would have received since the date of retirement had the member elected a normal annuity. In no event shall retroactive benefits be paid.

[5.] **8.** Effective on or after August 28, 1994, any retired member who had elected a joint and survivor payment option and whose spouse precedes or preceded the member in death, shall upon application to the board be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. As a special consultant under the provisions of this subsection, the member's reduced benefit will revert to a normal annuity as adjusted for early retirement if applicable, effective the first of the month following receipt by the board of a written application; such benefit shall include any increases the retired member would have received since the date of retirement had the member elected a normal annuity. In no event shall retroactive benefits be paid."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **SB 222**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 222**, as amended, was declared perfected and ordered printed.

Senator Mathewson assumed the Chair.

Senator Howard moved that **SB 38** and **SB 83**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 38** and **83**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 38 and 83

An Act to repeal sections 210.150, 210.152 and 210.183, RSMo 1994, relating to reports of child abuse or neglect, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Howard moved that **SCS** for **SBs 38** and **83** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SBs 38** and **83** was declared perfected and ordered printed.

On behalf of Senator Curls, Senator Caskey moved that **SB 251**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 251**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 251

An Act to repeal sections 610.122 and 610.123, RSMo Supp. 1996, relating to the expungement of certain criminal records, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **SB 251** be adopted.

Senator Sims offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 251, Page 3, Section 3, Line 4, by deleting "ten" and inserting "fifteen".

Senator Sims moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Mathewson resumed the Chair.

At the request of Senator Sims, **SA 1** was withdrawn.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 251, Page 4, Section 5, Line 8, by adding at the end of said line the following:

"Notwithstanding any other provision of law to the contrary, petitioners for expungement of their criminal records waive all rights of being employed by any Missouri-licensed gambling operation."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 251, Page 2, Section 610.122, Line 17, by striking the word "fifteen" and adding the word "ten" and further amend said bill, page 3, Section 3, line 5, by adding after the word "years" the following "in the case of a misdemeanor and fifteen consecutive years in the case of a felony".

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SCS** for **SB 251**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 251**, as amended, was declared perfected and ordered printed.

At the request of Senator Scott, **SB 10**, with **SCA 1**, was placed on the Informal Calendar.

Senator Caskey moved that **SB 265**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 265**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 265

An Act to repeal sections 404.703, 404.705, 404.710, 404.714, 404.717, 404.723, 404.727 and 404.730, RSMo 1994, and section 404.719, RSMo Supp. 1996, relating to powers of attorney, and to enact in lieu thereof nine new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 265** be adopted.

Senator Wilson resumed the Chair.

At the request of Senator Caskey, **SB 265**, with **SCS** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 427--By Mathewson, Scott, Wiggins, Bentley and Johnson.

An Act relating to community improvement districts.

SB 428--By Bentley.

An Act to repeal sections 162.975 and 162.980, RSMo 1994, relating to state aid for special education programs, and to enact in lieu thereof one new section relating to the same subject.

SB 429--By Maxwell.

An Act to repeal section 208.182, RSMo 1994, relating to the administration of public assistance programs, and to enact in lieu thereof four new sections relating to comprehensive fraud protection, with penalty provisions.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 99--Local Government and Economic Development.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 416--Corrections and General Laws.

Senator Mathewson resumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 263**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 243**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 270**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 63**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 105**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 340**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 375**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

REFERRALS

President Pro Tem McKenna referred **SCS** for **SB 263**; **SB 247**; **SB 72**; **SCS** for **SB 55**; and **SB 69** to the Committee on State Budget Control.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 20, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorothy (Dottie) Ann Phelps, Democrat, 605 Felix Boulevard, Malden, New Madrid County, Missouri 63863, as the Public Member of the Real Estate Appraisers Commission, for a term ending September 12, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 20, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

R. Thomas Dunn, Jr., D.V.M., Democrat, 512 Bryan Street, Houston, Texas County, Missouri 65483, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 20, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John T. Park, Ph.D., 506 West 11th Street, Rolla, Phelps County, Missouri 65409, as a member of the Midwestern Higher Education Commission, for a term ending January 15, 2001, and until his successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 410**, entitled:

An Act to repeal section 177.091, RSMo 1994, relating to the sale of school property, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 454**, entitled:

An Act to repeal section 198.073, RSMo 1994, relating to residential care facilities I and II, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 381**, entitled:

An Act to repeal section 301.010, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 211**, entitled:

An Act to repeal sections 266.152, 266.160, 266.165, 266.170, 266.175, 266.180, 266.185, 266.190, 266.200, 266.205, 266.210, 266.220, 276.401, 276.411, 276.421, 276.423, 276.426, 276.436, 276.441, 276.456, 276.461, 276.471, 276.486, 276.491, 276.501, 276.506, 276.511, 276.516, 411.115, 411.131, 411.180, 411.260, 411.261, 411.271, 411.278, 411.280, 411.283, 411.287, 411.321, 411.323, 411.325, 411.391, 411.405, 411.471, 411.517, 411.518 and 411.519, RSMo 1994, and sections 266.195, 411.026 and 411.070, RSMo Supp. 1996, relating to agricultural products, and to enact in lieu thereof forty-nine new sections relating to the same subject, with penalty provisions, an emergency clause and an effective date for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 141**, entitled:

An Act to repeal sections 407.980, 407.985 and 407.987, RSMo Supp. 1996, relating to convenience store security, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Curls, Chairman of the Committee on Insurance and Housing, Senator House submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 150**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 97**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 291**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 333**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Ethics, submitted the following report:

Mr. President: Your Committee on Ethics, to which were referred **SB 239** and **SB 45**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 9**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 9, Page 4, Section 578.012, Lines 14-15, by striking all of said lines.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 334**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 334, Page 2, Section 136.055, Line 19 by inserting immediately after said line the following:

"(4) For the preparation of any bill of sale or the preparation of any affidavit--one dollar;"; and further amend line 20, by striking "(4)" and inserting in lieu thereof the following: **"(5)"**.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 309, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lewis Richards, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 310, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. A. William Coil, Jr., Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 311, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Street, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 312, regarding Jared Andrew Wheeler, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 313, regarding Brandon Russell Schultz, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 314, regarding Bryan Alan McKinney, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 315, regarding Douglas Mark Seaver, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 316, regarding Ronald Jeffrey Wages, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 317, regarding John Prentice Roberts, Independence, which was adopted.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-EIGHTH DAY--TUESDAY, FEBRUARY 25, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Thomas Jefferson wrote, "For God's sake let us clearly hear both sides." Lord, give us the spirit, the will and the courage to see both sides of every issue and the wisdom to choose the best. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--Curls--1

The Lieutenant Governor was present.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 19**; **SB 216**; and **SB 299**, begs

leave to report that it has considered the same and recommends that the bills do pass.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 430--By Caskey.

An Act to repeal sections 217.010 and 217.777, RSMo Supp. 1996, relating to community corrections, and to enact in lieu three new sections relating to the same subject.

THIRD READING OF SENATE BILLS

SB 19, introduced by Senator Staples, entitled:

An Act to repeal section 32.055, RSMo 1994, relating to motor vehicle records, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

Was taken up.

On motion of Senator Staples, **SB 19** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Bentley--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 18, introduced by Senator Staples, entitled:

An Act to repeal section 306.100, RSMo 1994, and sections 306.010 and 306.016, RSMo Supp. 1996, relating to watercraft regulations, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Staples, **SB 18** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Goode--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

SB 299, introduced by Senator Lybyer, entitled:

An Act to repeal sections 21.145 and 476.380, RSMo 1994, relating to reimbursement for expenses, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Lybyer, **SB 299** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Howard	Jacob	Johnson	Kenney
Kinder	Lybyer	Mathewson	McKenna

Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--27	

Nays--Senators

Caskey	Graves	House	Klarich
Maxwell	Schneider--6		

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Howard	Jacob	Johnson	Kenney
Kinder	Lybyer	Mathewson	McKenna
Mueller	Quick	Russell	Schneider
Scott	Sims	Staples	Westfall
Wiggins	Yeckel--26		

Nays--Senators

Caskey	Graves	House	Klarich
Maxwell	Rohrbach	Singleton--7	

Absent--Senators--None

Absent with leave--Senators--Curls--1

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 163, introduced by Senator Caskey, entitled:

An Act to repeal section 474.490, RSMo 1994, and section 456.520, RSMo Supp. 1996, relating to decedents'

estates, and to enact in lieu thereof thirteen new sections relating to the same subject.

Was taken up.

On motion of Senator Caskey, **SB 163** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Staples--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 128, introduced by Senators Mathewson and Scott, entitled:

An Act to repeal sections 408.100, 408.200, 408.232 and 408.233, RSMo 1994, and section 408.140, RSMo Supp. 1996, relating to financial transactions, and to enact five new sections relating to the same subject.

Was taken up by Senator Mathewson.

On motion of Senator Mathewson, **SB 128** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller

Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		
	Nays--Senators		
DePasco	Kenney--2		
	Absent--Senators--Staples--1		
	Absent with leave--Senators--Curls--1		

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 216, introduced by Senator Mathewson, entitled:

An Act to repeal section 262.260, RSMo 1994, relating to state fair admission fees and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 216** was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		
	Nays--Senators--Graves--1		
	Absent--Senators		
Quick	Staples--2		

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 104, with **SCS**, introduced by Senator Westfall, entitled:

An Act to repeal section 206.110, RSMo Supp. 1996, relating to the powers of hospital districts, and to enact one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 104**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 104

An Act to repeal section 206.110, RSMo Supp. 1996, relating to the powers of hospital districts, and to enact one new section relating to the same subject.

Was taken up.

Senator Westfall moved that **SCS** for **SB 104** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SB 104** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

Nays--Senators--Caskey--1

Absent--Senators--Staples--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

SB 272, introduced by Senators House and Ehlmann, entitled:

An Act to repeal sections 67.1065 and 67.1070, RSMo 1994, relating to homeless assistance programs in certain counties, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **SB 272** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Staples--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SB 262, introduced by Senator Banks, entitled:

An Act to repeal sections 329.040, 329.045, 329.080 and 329.085, RSMo Supp. 1996, relating to cosmetologists, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Banks, **SB 262** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Staples--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 254, introduced by Senator Johnson, et al, entitled:

An Act to repeal section 67.582, RSMo Supp. 1996, relating to the law enforcement sales tax, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

On motion of Senator Johnson, **SB 254** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Rohrbach	Russell
Scott	Sims	Singleton	Westfall

Wiggins Yeckel--30

Nays--Senators--None

Absent--Senators

Quick Schneider Staples--3

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 124, with **SCA 1**, introduced by Senator Goode, entitled:

An Act to repeal section 144.025, RSMo 1994, relating to taxation, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Goode, **SB 124**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Clay	DePasco	Ehlmann
Flotron	Goode	House	Jacob
Kinder	Klarich	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Wiggins	Yeckel--20

Nays--Senators

Banks	Caskey	Childers	Graves
Howard	Kenney	Mathewson	Maxwell
Singleton	Westfall--10		

Absent--Senators

Johnson	Lybyer	Staples--3
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The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

SB 220, with **SCS**, introduced by Senator House, entitled:

An Act to repeal section 294.040, RSMo 1994, and section 294.011, RSMo Supp. 1996, relating to child labor, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 220**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 220

An Act to repeal section 294.040, RSMo 1994, and section 294.011, RSMo Supp. 1996, relating to child labor, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **SB 220** be adopted, which motion prevailed.

On motion of Senator House, **SCS** for **SB 220** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Staples--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

SB 255, introduced by Senator Rohrbach, entitled:

An Act to repeal sections 57.949, 57.967 and 57.982, RSMo 1994, relating to the sheriffs' retirement system, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Rohrbach, **SB 255** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Staples--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 194, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal section 50.1130, RSMo 1994, relating to death benefits for county retirement system members, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 194**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 194

An Act to repeal sections 50.1130 and 50.1180, RSMo 1994, relating to death benefits for county retirement system members, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 194** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 194** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Lybyer--1

Absent with leave--Senators--Curls--1

Senator Clay assumed the Chair.

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 148, with **SCA 1**, introduced by Senator Klarich, entitled:

An Act to repeal section 381.412, RSMo Supp. 1996, relating to estate settlement agents, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klarich, **SB 148**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Lybyer	Staples--2
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Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SBs 38** and **83**; and **SCS** for **SB 191**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 392**, begs leave to report

that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 358**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 318**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 387**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 187**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 431--By Kinder and Maxwell.

An Act to amend chapter 483, RSMo, by adding thereto one new section relating to certain judicial personnel.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 397--Education.

SB 398--Education.

SB 399--Judiciary.

SB 400--Education.

SB 401--Commerce and Environment.

SB 402--Aging, Families and Mental Health.

SB 404--Judiciary.

SB 405--Judiciary.

SB 406--Ways and Means.

SB 407--Appropriations.

SB 408--Local Government and Economic Development.

SB 409--Commerce and Environment.

SB 410--Aging, Families and Mental Health.

SB 411--Judiciary.

SB 412--Judiciary.

SB 413--Corrections and General Laws.

SB 414--Local Government and Economic Development.

SB 415--Corrections and General Laws.

SB 417--Ways and Means.

SB 418--Ways and Means.

SB 419--Ways and Means.

SB 420--Judiciary.

SB 421--Financial and Governmental Organization.

SB 423--Civil and Criminal Jurisprudence.

SJR 16--Appropriations.

SJR 17--Civil and Criminal Jurisprudence.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

CONCURRENT RESOLUTIONS

Senator Kinder moved that **SCR 12** be taken up for adoption, which motion prevailed.

Senator Wiggins assumed the Chair.

On motion of Senator Kinder, **SCR 12** was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Ehlmann
Flotron	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Maxwell	McKenna	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--24

Nays--Senators

Goode	Howard	Lybyer	Mathewson
Quick	Staples--6		

Absent--Senators

Banks	Childers	DePasco--3
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Absent with leave--Senators--Curls--1

THIRD READING OF SENATE BILLS

SB 261, with **SCA 1**, introduced by Senator Childers, entitled:

An Act to repeal section 41.1000, RSMo Supp. 1996, relating to civil air patrol members who are state employees, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Childers, **SB 261**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--Rohrbach--1

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SB 310, with **SCAs 1** and **2**, introduced by Senator Sims, entitled:

An Act to repeal section 177.091, RSMo 1994, relating to the sale of school property, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Sims, **SB 310**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Staples--1

Absent with leave--Senators--Curls--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 121**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Caskey offered **SSA 2** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 121, Page 4, Section 307.178, Line 1, by inserting after said line the following:

"6. The provisions of subsections 2 and 4 of this section which provide for limited primary enforcement of the safety belt law shall expire on August 28, 1999.".

Senator Caskey moved that the above substitute amendment be adopted.

Senator Lybyer requested a roll call vote be taken on the adoption of **SSA 2** for **SA 1** and was joined in his request by Senators Bentley, Caskey, Howard and Mueller.

SSA 2 for **SA 1** was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	House

Johnson	Mathewson	Maxwell	McKenna
Quick	Schneider	Scott	Sims
Staples	Westfall	Wiggins	Yeckel--20

Nays--Senators

Childers	Howard	Jacob	Kenney
Kinder	Klarich	Lybyer	Mueller
Rohrbach	Russell	Singleton--11	

Absent--Senators

Bentley Graves--2

Absent with leave--Senators--Curls--1

Senator Johnson assumed the Chair.

Senator Rohrbach offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 121, Page 4, Section 307.179, Lines 5-7 of said page, by deleting all of said lines.

Senator Rohrbach moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Caskey offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 121, Page 4, Section 307.179, Line 7, by deleting the "; or" and inserting after "truck": ". Nothing in subsection (1) shall prevent a child from riding in the back of such trucks with the consent of his or her parent or legal guardian."

Senator Caskey moved that the above substitute amendment be adopted, which motion failed on a standing division vote.

SA 2 was again taken up.

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Graves offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 121, Page 5, Section 307.179, Line 15, by inserting after all of said line

the following:

"307.350. 1. The [owner] **purchaser** of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) New motor vehicles which have not been previously titled and registered, prior to the initial motor vehicle registration or the next succeeding registration which is required by law;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131, RSMo; shall submit such vehicles to [an annual] **a one-time** inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for annual registration or within sixty days of when a vehicle's registration is transferred. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

[3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current annual registration.]

[4.] **3.** Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction."; and

Further amend the title and enacting clause accordingly.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 121, Page 1, Section 307.178, Lines 9-10, by deleting "less than twelve thousand pounds." and inserting in lieu thereof "of twelve thousand pounds or more.".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 121, Page 1, Section 307.178, Line 8, by adding immediately after the word "tricycles", the words, "recreational vehicles".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 121, Page 5, Section 307.179, Line 11, by striking "**or**" as it appears the second time; and further amend Line 15, by inserting after "activity" the following:

"; or

(7) Any person riding in the open area or bed of a truck as an immediate result of a natural disaster, or medical emergency".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SS** for **SB 121**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **SB 121**, as amended, was declared perfected and ordered printed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Ehlmann moved that the vote by which **SB 303**, as amended, was perfected be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Quick	Rohrbach
Russell	Scott	Singleton	Staples
Wiggins	Yeckel--26		

Nays--Senators

Childers	Flotron	Mueller	Sims
Westfall--5			

Absent--Senators

Lybyer	Schneider--2
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Absent with leave--Senators--Curls--1

SB 303, as amended, was again taken up.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Ehlmann moved that the vote by which **SA 2** was adopted be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Quick	Rohrbach
Russell	Scott	Staples	Wiggins

Yeckel--25

Nays--Senators

Childers	Flotron	Mueller	Sims
Singleton	Westfall--6		

Absent--Senators

Lybyer	Schneider--2
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Absent with leave--Senators--Curls--1

SA 2 was again taken up.

At the request of Senator Quick, **SB 303**, with **SA 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Lybyer, Chairman of the Committee on Appropriations, Senator Quick submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 240**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 240, Page 1, Section 33.120, Line 5, by inserting immediately after the word "state" the following: "**for an item subject to statutory reimbursement**".

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS for SB 222; SB 315; SCS for SB 251; and SB 142**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 309**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 432--By Sims.

An Act to repeal section 89.020, RSMo 1994, relating to zoning powers of a municipal legislative body, and to enact in lieu thereof one new section relating to the same subject.

SB 433--By Howard.

An Act relating to certain merchandising practices.

SB 434--By Singleton.

An Act to repeal section 313.004, RSMo 1994, relating to the use of highway patrol officers on excursion gambling boats, and to enact one new section relating to the same subject.

SB 435--By Singleton.

An Act to repeal section 301.130, RSMo Supp. 1996, as truly agreed to and finally passed in house committee substitute for senate substitute for senate bill 3 of the eighty-eighth general assembly, and as truly agreed to and finally passed in senate bill 156 of the eighty-eighth general assembly, and section 301.130, RSMo Supp. 1996, as truly agreed to and finally passed in conference committee substitute for house substitute for house committee substitute for senate substitute for senate bill 70 of the eighty-eighth general assembly, relating to license plates, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

REFERRALS

President Pro Tem McKenna referred **SB 315; SCS for SB 251; and SCS for SB 222** to the Committee on State Budget Control.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 318, regarding Chillicothe Iron and Steel, which was adopted.

Senator Graves offered Senate Resolution No. 319, regarding Mr. Jerry Nibarger, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 320, regarding Mr. Jeff Churan, Dawn, which was adopted.

Senator Graves offered Senate Resolution No. 321, regarding Gunner's Mate 3rd Class Joe Heaton, USN, Green City, which was adopted.

Senator Banks offered Senate Resolution No. 322, regarding the death of Mrs. Luella Hyatt Clay, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, twenty-three eighth grade students from Pattonville School District, St. Louis; and Tiffany Kinner, Angela Murray, John Tevlin and Eric Siebers were made honorary pages.

Senator Singleton introduced to the Senate, sponsors and student senate representatives from Missouri Southern State College, Joplin; Doug Carnahan, Ron Mitchell, Scott Gordon, Mark Stamps, Spencer Beck, Charles Henderson, Jason Kieffer, Josh Phillips, Lily Vasquez, Julie Fisher, Lydia Smith, Laura Woolsey, Jill Bever, Sandy Fisk, Becka Cassity, Eden Aber, Melanie Spaulding, Vanessa Copeland and Jason Talley.

Senator Johnson introduced to the Senate, Junior League from St. Joseph.

Senator Staples introduced to the Senate, Joe Layden, Park Hill.

Senator Klarich introduced to the Senate, Margaret McGrath and Victoria Allen, Wildwood.

Senator Klarich introduced to the Senate, fourth-grade students from Washington School District, Labadie.

Senator Scott introduced to the Senate, his daughter-in-law, Lisa Scott, and Vicki Swederska, St. Louis.

Senator Bentley introduced to the Senate, students and parents from New Covenant Academy, Rogersville; and Jason Rackley, Aaron Kepley, Kyle Gerhardt and Nathan Axness were made honorary pages.

Senator Ehlmann introduced to the Senate, members of Missouri Rights to Life from St. Paul and Josephville.

Senator Singleton introduced to the Senate, Mr. and Mrs. Mike Cloud, Jasper County.

Senator Russell introduced to the Senate, Charlene Bruns, and her children, Elizabeth, Daniel and Christopher, home school family from Camdenton; and Elizabeth, Daniel and Christopher were made honorary pages.

Senator Schneider introduced to the Senate, Carlene Merrell, Jefferson City.

Senator Caskey introduced to the Senate, Stan Hall, Knob Noster.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-NINTH DAY--WEDNESDAY, FEBRUARY 26, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we are thankful that Senator Curls is able to be home, and we pray that You will help him to return to his Capitol family. We are thankful for our senate family, for the respect and love that binds us together. Use us to help all of the families and extended families in our state. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators

Clay	Curls--2
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The Lieutenant Governor was present.

Senator Wiggins assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 436--By Wiggins.

An Act to repeal section 301.142, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 437--By Wiggins.

An Act to repeal section 107.170, RSMo Supp. 1996, relating to public works contracts, and to enact in lieu thereof one new section relating to the same subject.

SB 438--By Westfall.

An Act to repeal section 249.520, RSMo 1994, relating to sewer improvement assessments, and to enact in lieu thereof one new section relating to the same subject.

SB 439--By McKenna, Staples and Flotron.

An Act to amend chapter 386, RSMo, by adding thereto seven new sections relating to certain merchandising practices of utilities, with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 289**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 271** be taken up for perfection, which motion prevailed.

President Wilson assumed the Chair.

Senator Wiggins resumed the Chair.

Senator Lybyer requested a roll call vote be taken on the perfection of **SB 271** and was joined in his request by Senators Childers, Kinder, Scott and Westfall.

Senator McKenna offered **SS** for **SB 271**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 271

An Act to repeal section 537.610, RSMo 1994, relating to sovereign immunity, and to enact in lieu thereof one new section relating to the same subject.

Senator McKenna moved that **SS** for **SB 271**, be adopted.

Senator Maxwell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 271, Page 1, Section 537.610.1, Line 11, by adding after the word

"dollars" on said line the following: "**in addition to medical expenses**"; and

Further amend said bill, section 537.610.2, line 7, by adding after the word "dollars" on said line, the following: "**in addition to medical expenses**".

Senator Maxwell moved that the above amendment be adopted.

Senator Staples assumed the Chair.

Senator Jacob offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 271, Page 1, Line 2, by adding after the word "to" the following "reasonable and necessary"; and further amend said amendment line 5, by adding after the word "to" the following "reasonable and necessary".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Singleton offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 271, Page 3, Section 537.610, Line 4, by adding following the period ". "

"6. All cases under this act shall be decided by binding arbitration. As primary finding of Rule of Law and is admissible to any subsequent court action following the constitutional rights to trial by jury."

Senator Singleton moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

At the request of Senator Schneider, **SB 271**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 133**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On motion of Senator Quick, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Banks.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 271**, with **SS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Singleton offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 271, Page 3, Section 537.610, Line 4, by adding immediately after said line the following:

"6. For any award or settlement made pursuant to this section, a plaintiff's legal fees shall be limited to no more than fifteen percent of the amount of such plaintiff recovery."

Senator Singleton moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Bill No. 271, by adding the following: "and no physician or health care provider shall be compensated more than 40% of their fee for service".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

Senator Singleton moved that the above amendment, as amended, be adopted, which motion failed.

Senator Kinder offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 271, Page 1, In the Title, Line 3, by striking "sovereign immunity" and inserting in lieu thereof the following: "civil procedure"; and

Further amend said bill, page 1, section A, line 3, by inserting immediately after said line the following:

"508.140. 1. If reasonable notice has been given to the adverse party or his attorney of record, the court or judge, as the case may be, shall consider the application, and if it is sufficient, the judge shall be disqualified or a change of venue shall be awarded to some county in the same, adjoining or next adjoining circuit, convenient to the parties for the trial of the case and where the causes complained of do not exist. One or more of several parties plaintiff or defendant may ask for the change of venue, and if the change is awarded the entire cause shall be removed, and there shall be no further change of venue awarded on the same side of the suit.

2. [In all cases in counties in this state which have a population of more than sixty-five thousand inhabitants and wherein the removal is asked on the ground of objections to or prejudice of the inhabitants of the county and the adverse party has filed counter-affidavit controverting the objection to or the prejudice of the inhabitants of the county, the court shall hear evidence on the issue and determine the same on the merits of the evidence, and if the issue is determined in

favor of the applicant for the change of venue, the change shall be awarded as herein provided.

3.] This section does not apply to causes wherein a special venire has been issued, and in such case the party not applying for the special venire shall be granted a change of venue as of course, upon proper affidavit."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 4** is out of order in that the amendment goes beyond the scope, purpose and subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Singleton requested a roll call vote be taken on the adoption of **SS** for **SB 271**, as amended, and was joined in his request by Senators Mathewson, Howard, Mueller and Yeckel.

On motion of Senator McKenna, **SS** for **SB 271**, as amended, was adopted by the following vote:

Yeas--Senators

Banks	Caskey	DePasco	Ehlmann
Goode	House	Howard	Jacob
Johnson	Klarich	Mathewson	Maxwell
McKenna	Quick	Schneider	Scott
Staples	Wiggins--18		

Nays--Senators

Bentley	Childers	Flotron	Graves
Kenney	Kinder	Lybyer	Mueller
Rohrbach	Russell	Sims	Singleton
Westfall	Yeckel--14		

Absent--Senators--None

Absent with leave--Senators

Clay	Curls--2
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Senator Flotron requested a roll call vote be taken on the perfection of **SS** for **SB 271**, as amended, and was joined in his request by Senators Mueller, Howard, Childers and Westfall.

On motion of Senator Schneider, **SS** for **SB 271**, as amended, was declared perfected and ordered printed by the following vote:

Yeas--Senators

Banks	Caskey	DePasco	Ehlmann
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Goode	House	Howard	Jacob
Klarich	Mathewson	Maxwell	McKenna
Quick	Schneider	Scott	Staples
Wiggins--17			

Nays--Senators

Bentley	Childers	Flotron	Graves
Johnson	Kenney	Kinder	Lybyer
Mueller	Rohrbach	Russell	Sims
Singleton	Westfall	Yeckel--15	

Absent--Senators--None

Absent with leave--Senators

Clay	Curls--2
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Senator Johnson announced that photog-raphers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

Senator House moved that **SB 287**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 287**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 287

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the challenge scholarship program for higher education, with penalty provisions.

Was taken up.

Senator House moved that **SCS** for **SB 287** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 287, Page 2, Section 173.740, Line 32, by inserting immediately after the word "student" the following: "**of at least twenty years of age**"; and

Further amend said bill and section, page 3, line 56, by inserting immediately after the word "section" the following: "**and has yet to receive challenge scholarship payments on the basis of an enrollment period longer than twenty-four months**"; and further amend line 58 by inserting immediately after "scholarship;" the word "**and**"; and further amend line 59 by striking the following: "Has not already claimed, or had claimed on the individual's"; and further amend lines 60 and 61 by striking all of said lines; and further amend line 62 by striking "(f)"; and further amend lines 65 through 80 by striking all of said lines and inserting in lieu thereof the following:

"2. (1) The amount of allowable eligible expenses shall be the lesser of:

(a) The actual costs of tuition, books and fees incurred by the eligible student and attributable to earning credit hours for which a scholarship may be claimed pursuant to this section; or

(b) Five thousand dollars.

(2) The amount of scholarship, subject to further proration under subdivision (4) of this subsection, shall be the difference of the amount of eligible expenses determined pursuant to subdivision (1) of this subsection minus any federal or state financial aid received by or on behalf of the eligible student during the year for which a scholarship is claimed and which aid may be used for tuition, fees or books multiplied by the applicable scholarship fraction determined pursuant to subdivision (3) of this subsection.

(3) The scholarship fraction used to determine the amount of scholarship pursuant to subdivision (2) of this subsection shall be determined by the following table:

If the claimant's Missouri The scholarship

adjusted gross income is: fraction shall be:

Under \$25,000	100%
\$25,000 to \$35,000	90%
\$35,001 to \$45,000	80%
\$45,001 to \$55,000	70%
\$55,001 to \$65,000	60%
\$65,001 to \$75,000	50%
\$75,001 to \$85,000	40%
\$85,001 to \$95,000	30%
\$95,001 to \$105,000	20%
Over \$105,000	10%.

(4) The actual amount of the scholarship provided under this section shall be one-third of the amount of scholarship determined pursuant to subdivision (2) of this subsection for calendar year 1998, two-thirds of the amount of scholarship determined pursuant to subdivision (2) of this subsection for calendar year 1999 and the full amount of scholarship determined pursuant to subdivision (2) of this subsection for calendar year 2000 and thereafter."; and further amend line 81, by striking "(3)" and inserting in lieu thereof the following "(5)"; and further amend line 82 by striking "three" and inserting in lieu thereof the following: "ten"; and further amend line 84, by striking "(4)" and inserting in lieu thereof the following: "(6)"; and

Further amend said bill and section, page 4, line 94 by striking "(5)" and inserting in lieu thereof the following: "(7)"; and further amend line 97 by striking "(6)" and inserting in lieu thereof the following: "(8)"; and further amend line 104, by inserting immediately after the word "year" the following: ", the age of the student".

Senator Jacob moved that the above amendment be adopted.

Senator Wiggins resumed the Chair.

Senator Johnson resumed the Chair.

President Pro Tem McKenna resumed the Chair.

Senator Johnson resumed the Chair.

At the request of Senator House, **SB 287**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 440--By Childers.

An Act to repeal section 165.011, RSMo Supp. 1996, relating to transfers for capital projects, and to enact in lieu thereof one new section relating to the same subject.

SB 441--By Childers.

An Act to amend chapter 67, RSMo, relating to tourism taxes, by adding eight new sections relating to the same subject.

SB 442--By Graves.

An Act to amend chapter 56, RSMo, by adding thereto one new section relating to prosecuting attorneys.

SB 443--By Graves.

An Act to repeal section 307.350, RSMo Supp. 1996, relating to motor vehicle inspections, and to enact in lieu thereof one new section relating to the same subject.

SB 444--By Maxwell.

An Act to repeal section 301.210, RSMo 1994, and section 301.140, RSMo Supp. 1996, relating to motor vehicle registration and titling, and to enact in lieu thereof two new sections relating to the same subject.

SB 445--By Bentley.

An Act to repeal sections 226.525 and 226.535, RSMo 1994, relating to historical and public interest signs along the highways, and to enact two new sections in lieu thereof relating to the same subject.

SB 446--By DePasco.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to environmental management system agreements.

SB 447--By Kenney.

An Act to repeal sections 287.930, 287.950 and 287.955, RSMo 1994, relating to workers' compensation insurance rates for infectious waste transporters, and to enact in lieu thereof three new sections relating to the same subject.

SB 448--By Ehlmann.

An Act to amend chapter 194, RSMo, by adding thereto seven new sections relating to funeral processions.

SB 449--By Quick.

An Act to repeal sections 30.260, 30.300 and 30.350, RSMo 1994, relating to the state treasurer, and to enact in lieu thereof eleven new sections relating to the same subject.

SJR 18--By Quick.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 15 of article IV of the Constitution of Missouri relating to state funds, and adopting one new section in lieu thereof relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SB 121**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 171**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 171, Page 1, In the Title, Line 3, by striking the words "two new sections" and inserting in lieu thereof the words "one new section"; and

Further amend said bill, Page 1, Section A, Lines 1 & 2, by striking the words "two new sections" and inserting in lieu thereof the words "one new section"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the words "as sections" and inserting in lieu thereof the words "as section"; and

Further amend said bill, Page 1, Section A, Lines 2 & 3, by striking the following: "and 436.225".

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 316**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 368**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 371**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 264**, begs leave to report that it has considered the same and recommends that the bill do pass.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 430--Civil and Criminal Jurisprudence.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 323, regarding Brian (Ripper) Busby, Jefferson City, which was adopted.

Senators Yeckel and Mueller offered Senate Resolution No. 324, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eugene K. Mueller, Fenton, which was adopted.

Senator Bentley offered Senate Resolution No. 325, regarding the Ozarks Food Harvest, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Dave Archer, Poplar Bluff.

Senator Sims introduced to the Senate, Councilwoman Nina S. Schaefer and Councilman Kenneth W. McClendon, Berkeley.

Senator Kenney introduced to the Senate, the Physician of the Day, Don Potts, and his wife, Barbara, Independence.

Senator Singleton introduced to the Senate, Gary Duncan and Keith Adams, Joplin.

Senator Rohrbach introduced to the Senate, former State Representative Gene Lang, Warrensburg.

Senator Graves introduced to the Senate, Kay Wilson, Maryville.

Senator Staples introduced to the Senate, Candance Gabel, Van Buren.

Senator Wiggins introduced to the Senate, George Koppe, Jeff Hodes, Pat Maggard, Dave Owen, Joe Neenan, Charles Gotschall, and scouts from Pack 150 from St. Elizabeth School, Kansas City; and Dylan Aldrich, Matt Gotschall, Russell Hynes, Eric Lancey, Joseph Neenan, Christopher Owen, Patrick Tweedy, Manny Blando, Ben Hodes, Andrew Koppe, Jamie Maggard, Matt Nielsen, Jeff Parks and Tommy Weideman were made honorary pages.

Senator Howard introduced to the Senate, Dave Kelly, Poplar Bluff.

Senator Graves introduced to the Senate, members of the Chillicothe Chamber of Commerce.

Senator Caskey introduced to the Senate, Larry and Jean Shannon, Cass County.

Senator Jacob introduced to the Senate, Sally Lyons, and fourth grade students from Mill Creek School, Columbia.

Senator Sims introduced to the Senate, fourteen students from Christian Academy, St. Louis; and David Brannan, Terran Earl, Shanna McClarney, Dugan Connors and Micah Williams were made honorary pages.

Senator Mueller introduced to the Senate, Don and Elizabeth Arnsperger and Elmer and Margaret Arnsperger, Salisbury; and Elizabeth Murray, St. Louis.

Senator Johnson introduced to the Senate, Michael Stephenson, Gower.

Senator Mathewson introduced to the Senate, Dan Arnsperger, Salisbury; and Kyle Malter, Malta Bend.

Senator Kinder introduced to the Senate, Justin Jones, Oran.

Senator Westfall introduced to the Senate, Joy Hedeman, Lockwood; Nikki Melton, Dadeville; and Jamie Moffett, Marionville.

Senator Graves introduced to the Senate, Jessica Travis and Steven Rogers, Princeton.

Senator Staples introduced to the Senate, Nathan Winklepleck, Myrtle; and Dustin Braschler, Doniphan.

Senator Rohrbach introduced to the Senate, Steve Brown, St. Martins; Gene Eulinger, California; and Terry Heimann, Russellville.

Senator Caskey introduced to the Senate, Daniel McLanahan, Archie.

On behalf of Senator Caskey, the President introduced to the Senate, Roberta and Rhonda Cox, Henry County.

Senator Caskey introduced to the Senate, Allen Freeman, Harrisonville.

Senator Wiggins introduced to the Senate, Brad Grabs, Adam Maese, Phil Hageman, David Finke, Martin Le, Paul Woody, Ahsan Latif, John Sullivan, Tom Mueller, Reed Davison and Leland C. Sexton, Kansas City.

Senator Caskey introduced to the Senate, his brother Robert Caskey and Rick Cole, Windsor.

Senator Caskey introduced to the Senate, Jim Landon, Judy Jett and Janet Mills, Warrensburg.

Senator Caskey introduced to the Senate, Lorene McRell, Nancy Linthicum and Robert McGrath, Harrisonville; and Mark Randall, Pleasant Hill.

Senator Bentley introduced to the Senate, Sean McGinnis, Springfield.

Senator House introduced to the Senate, Benjamin Jones, Montgomery City.

Senator Ehlmann introduced to the Senate, Robert Moeller and Mike Miller, St. Charles.

Senator Mueller introduced to the Senate, Mike Pounds, Glendale; and Kennard Whitfield, Rock Hill.

Senator Westfall introduced to the Senate, Mary Ireland, Marie Wessley and Jana McKenzie, Nevada.

Senator Wiggins introduced to the Senate, Cathy Kelly, Jim Crain, Jim Gamble, Mike McCausland, Billy Tudor, and other members of the South Kansas City and Grandview Chambers of Commerce.

Senator Klarich introduced to the Senate, Ken Bolte, Union; Carol Riegel, Washington; Barb and Bill Troutman and Darlene and Emmett Becker, Labadie; Sharon and George Hinkle, Robertsville; and Nancy and Wayne Brown, St. Clair.

Senator Johnson introduced to the Senate, Mayor Larry Stobbs, Stet Schanze, Pam Windsor and Lisa Robertson, St. Joseph.

Senator Rohrbach introduced to the Senate, Mary Lou Roberts and Debbie Lueckenotte, Cole County.

Senator Kinder introduced to the Senate, Michael Miller, Mel Kasten and Tom Neumeyer, Cape Girardeau.

Senator Graves introduced to the Senate, Susan Mitchell and Dean Brookshier, Chillicothe.

Senator Singleton introduced to the Senate, John Weber, Greg Schrieber and Andrew Snavelly, Jefferson City.

Senator Childers introduced to the Senate, Lorine Killingsworth, Galena.

Senator Mueller introduced to the Senate, Sharon Burkhardt, Des Peres and Mike Swoboda, Kirkwood.

Senator Kenney introduced to the Senate, Christina and Caroline Gabriel, Blue Springs; and Dana Hudson, St. Louis.

Senator Klarich introduced to the Senate, Mike Levin and Mike Hill, Manchester; and Dee Hathaway, Ballwin.

On behalf of Senator Mathewson and himself, Senator DePasco introduced to the Senate, Mayor Ron Stewart, Bill Barker, Bill McDonald and Larry Blik, Independence.

Senator Lybyer introduced to the Senate, Janet Fraley and Chris Wilson, Kansas City; Jennie Bedsworth, New Bloomfield; and Alex Stemme, Hermann.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTIETH DAY--THURSDAY, FEBRUARY 27, 1997

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Jesus said, "Let your light so shine before men that they might see Your good works and glorify Your Father." Lord, make us a beacon and not a pen light. Keep us from shining our light in a corner to see the evil men do; but rather to let our light shine to show people the way to a better life. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Absent with leave--Senators

Clay	Curls	Jacob--3
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RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 326, regarding Mike Haslag, Linn, which was adopted.

Senator Staples offered Senate Resolution No. 327, regarding Robert Hahn, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 450--By Mathewson.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to retail electric energy competition.

SB 451--By Westfall.

An Act to repeal sections 577.020 and 577.041, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions and an emergency clause.

SB 452--By Westfall.

An Act to repeal section 302.181, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

SENATE BILLS FOR PERFECTION

SB 119 was placed on the Informal Calendar.

SB 97 was placed on the Informal Calendar.

Senator Mathewson moved that **SB 119** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Mathewson, **SB 119** was declared perfected and ordered printed.

Senator Schneider moved that **SB 97** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 97, Page 2, Section 630.167, Line 20 of said section, by deleting the phrase "; except that," as it appears on said line and inserting in lieu thereof the phrase ". **Complete copies of**"; and

Further amend said bill and section, line 22 of said section by inserting immediately before the period on said line the following, ", **except that the name of the complainant or any person mentioned in the reports, or specific information that would directly result in the identification of the complainant or any other person shall not be disclosed unless such complainant or person mentioned in the report requests such disclosure.**"; and

Further amend said bill and section, line 31 of said section by placing an opening bracket immediately before the word "The" as it appears on said line; and

Further amend said bill and section, line 34 of said section by placing a closing bracket immediately after the word "therefrom" as it appears on said line; and

Further amend said bill and section, lines 46 through 51, by deleting the bold faced language contained on said lines.

Senator Flotron moved that the above amendment be adopted.

Senator Childers offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Bill No. 97, Page 2, Section 630.167, Line 49, by inserting after the word "minutes" on said line the following **"including any records of medication given, dosages of such medications, and the person prescribing such medication"**.

Senator Childers moved that the above substitute amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 97, Page 2, Section 630.167, Line 20, by striking the following: "; except that," and inserting in lieu thereof the following: "[; except that,]. **Complete copies of**"; and

Further amend said bill, Page 2, Section 630.167, Line 22, by inserting immediately after the word "report" the following: **"except that the name of the complainant or any person mentioned in the reports, or any specific job-related title or titles that would result in the identification of the complainant or any other person shall not be disclosed unless such complainant or person mentioned in the report requests such disclosure"**; and

Further amend said bill, Page 2, Section 630.167, Line 31, by inserting an opening bracket "[" before the period "." on said line; and

Further amend said bill, Page 2, Section 630.167, Line 34, by inserting a closing bracket "]" after the word "therefrom"; and

Further amend said bill, Page 2, Section 630.167, Lines 46-51, by striking all of said lines and inserting in lieu thereof the following: "adequate or appropriate care. Such committees may exist, either within department"; and

Further amend Page 2, Section 630.167, Lines 47 and 49, by striking the words "proceedings, findings, deliberations".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 97, Page 2, Section 630.167, Line 51, by adding before the word "Such", the following: "Such report shall not be open unless authorized by said patient, resident or client."

Senator Flotron moved that the above amendment be adopted.

At the request of Senator Schneider, **SB 97**, with **SA 3** (pending), was placed on the Informal Calendar.

Senator Scott moved that **SB 291**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 291**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 291

An Act to repeal sections 339.503, 339.505, 339.507, 339.511, 339.515, 339.517, 339.519, 339.523, 339.525,

339.529, 339.530, 339.532 and 339.545, RSMo 1994, relating to real estate appraisers and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **SB 291** be adopted.

Senator Maxwell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 291, Page 3, Section 339.503, Lines 9-11, by striking all of said lines and inserting in lieu thereof the following: "analysis;".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 291, Page 2, Section 339.501, Line 37, by inserting immediately after all of said line the following: ";

(4) Any financial institution officer, director, employee or agent who performs in-house appraisals on loans of less than two hundred fifty thousand dollars".

Senator Caskey moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Childers offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 291, Page 1, Section 339.501, Line 2, by inserting after the word "state" on said line the following **"except in counties of the third classification"**.

Senator Childers moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Rohrbach offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 291, Page 2, Section 339.501, Line 37, by adding at the end of said line the following:

"(4) An appraisal done at the request of any citizen of this state."

Senator Rohrbach moved that the above amendment be adopted.

Senator Scott raised the point of order that **SA 4** is out of order in that it attempts to amend previously amended material.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Scott raised the point of order that **SA 4** is out of order in that it amends line 37 which had previously been

amended.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 4 was again taken up.

At the request of Senator Scott, **SB 291**, with **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SB 271**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 392**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 358**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 187**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 19**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SB 55**; and **SB 69**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 380**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 361**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which were referred **SB 406**, **SB 418**, **SB 339**, **SB 12**, **SB 7**, **SB 110**, **SB 156** and **SB 35**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which were referred **SB 202**, **SB 23** and **SB 183**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 367**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which were referred **SB 258** and **SB 228**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 140**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 176**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Curls, Chairman of the Committee on Insurance and Housing, Senator House submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 24**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 24, Page 2, Section 376.385, Line 18, by inserting immediately after all of said line the following:

"4. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care, or other limited benefit health insurance policies."

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 120**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 120, Page 13, Section 304.157, Line 83, by inserting immediately after "towed" the following: **"The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the law enforcement agency receiving the report has the technological capability of receiving such copy."**

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 223**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 79**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 208**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 208, Page 2, Section 173.239, Line 20, by striking the opening bracket "[" on said line; and

Further amend said bill, Page 2, Section 173.239, Line 23, by striking the closing bracket "]" on said line; and

Further amend said bill, Page 3, Section 173.239, Line 33, by striking the opening bracket "[" on said line; and

Further amend said bill, Page 3, Section 173.239, Line 35, by striking the closing bracket "]" on said line.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SJR 12**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 6**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 6, Page 1, In the Title, Line 15, by striking the word "section" and inserting in lieu thereof the word "sections"; and

Further amend said bill, Page 1, In the Title, Line 15, by inserting immediately after the number "400.9-306" the following: "and 400.9-402"; and

Further amend said bill, Page 1, In the Title, Line 16, by striking the word "eighty-five" and inserting in lieu thereof the word "eighty-seven"; and

Further amend said bill, Page 2, Section A, Line 13, by striking the word "section" and inserting in lieu thereof the word "sections"; and

Further amend said bill, Page 2, Section A, Line 13, by inserting immediately after the number "400.9-306" the following: "and 400.9-402"; and

Further amend said bill, Page 2, Section A, Line 14, by striking the word "eighty-five" and inserting in lieu thereof the word "eighty-seven"; and

Further amend said bill, Page 2, Section A, Line 20, by inserting immediately after the number "400.8-116" the number "400.8-117,"; and

Further amend said bill, Page 2, Section A, Line 28, by striking the word "and" and inserting in lieu thereof a comma ","; and

Further amend said bill, Page 2, Section A, Line 28, by inserting immediately after the number "400.9-312" the following: "and 400.9-402"; and

Further amend said bill, Page 32, Section 400.8-116, Line 8, by inserting immediately after all of said line the following:

"400.8-117. 1. Notwithstanding any other provision of law, any fiduciary holding securities in its fiduciary capacity and any insurance company with respect to its general account or separate accounts, any bank or trust company holding securities as a custodian or managing agent, and any bank or trust company holding securities as custodian for a fiduciary or insurance company is authorized to deposit or arrange for the deposit of such securities in a clearing corporation, or in a federal reserve bank under book-entry system. When such securities are so deposited with a clearing corporation, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation by any person, regardless of the ownership of such securities, and certificates of small denomination may be merged into one or more certificates of larger denomination. The records of such fiduciary and the records of such bank or trust company acting as custodian, as managing agent, or as custodian for a fiduciary or insurance company shall at all times show the name of the party for whose account the securities are so deposited. Title to such securities may be transferred by bookkeeping entry on the books of such clearing corporation or federal reserve bank without physical delivery of certificates or documents representing such securities. A bank or trust company so depositing securities pursuant to this section shall be subject to such rules and regulations as the director of the division of finance, and, in the case of national banking associations, the comptroller of the currency, may from time to time issue. An insurance company depositing securities pursuant to this section shall be subject to such rules and regulations as the director of the department of insurance may from time to time issue. A bank or trust company acting as custodian for a fiduciary or insurance company shall, on demand by the fiduciary or insurance company, certify in writing to the fiduciary or insurance company the securities so deposited by such bank or trust company in such clearing corporation or federal reserve bank for the account of such fiduciary or insurance company. A fiduciary shall, on demand by any party to a judicial proceeding, or on demand by the attorney for such party, certify in writing to such party the securities deposited by such fiduciary in such clearing corporation or federal reserve bank for its account as such fiduciary. This section shall apply to any fiduciary holding securities in its fiduciary capacity, any insurance company with respect to its general account or separate accounts, and to any bank or trust company holding securities as a custodian, managing agent, or custodian for a fiduciary, or insurance company, acting on September 28, 1979, or who, thereafter, may act regardless of the date of the agreement, instrument, or court order by which it is appointed, and regardless of whether or not such fiduciary, insurance company, custodian, managing agent, or custodian for a fiduciary owns capital stock of such clearing corporation. For purposes of this subsection, "clearing corporation" shall also include securities intermediary as that term is defined in section 400.8-102(a)(14).

2. Notwithstanding any other provision of law, the state treasurer may permit bonds standing as security for moneys deposited by him in banking institutions under the provisions of chapter 30, RSMo, to be deposited in book-entry collateral accounts maintained in a federal reserve bank or other clearing corporation as defined in section 400.8-102, or deposited with a banking institution in safekeeping for the state treasurer under procedures agreed upon by the governor, state auditor and state treasurer. The governor, state auditor and state treasurer shall also agree upon procedures to verify that the bonds are actually recorded in a book-entry collateral account or actually held in safekeeping.

3. Securities, of the kind and type in which insurance companies are permitted to invest their funds, deposited in a clearing corporation or in book-entry accounts maintained in a federal reserve bank by an insurance company shall be eligible for deposit under any and all provisions of the insurance laws of this state relating to deposit of securities with the director of the department of insurance. The director shall establish procedures to verify that the securities are actually recorded in a book-entry account or actually held in safekeeping by a clearing corporation. Such procedures shall also provide that said securities on deposit with the department of insurance cannot be withdrawn by the insurance company without the approval of the director."; and

Further amend said bill, Page 64, Section 400.9-203, Lines 12 and 13, by striking the words "crops growing or to be grown or"; and

Further amend said bill, Page 72, Section 400.9-312, Line 57, by inserting immediately after all of said line the following:

"400.9-402. (1) A financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. [When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned.] When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 400.9-103, or when the financing statement is filed as a fixture filing (section 400.9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor if it is filed to perfect a security interest in:

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) proceeds under section 400.9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) collateral as to which the filing has lapsed; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor)

Address

Name of secured party (or assignee)

Address

1. This financing statement covers the following types (or items) of property:

(Describe)

[2. (If collateral is crops) The above described crops are growing or are to be grown on:

(Describe Real Estate)]

[3.] **2.** (If applicable) The above goods are to become fixtures on*

*Where appropriate substitute either "The above timber is standing on" or "The above minerals or the like (including oil and gas) or accounts will be financed at the wellhead or minehead of the well or mine located on"

(Describe Real Estate) and this financing statement is to be filed in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is

[4.] **3.** (If products of collateral are claimed) Products of the collateral are also covered.

(use whichever Signature of Debtor (or Assignee)

is

applicable) Signature of Secured Party (or Assignee)

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 400.9-103, or a financing statement filed as a fixture filing (section 400.9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, limited liability company, partnership or corporate name of the debtor, whether or not it adds other trade names or the names of partners. Where the debtor so changes such debtor's name or in the case of an organization its name, identity or organizational structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement is filed before the expiration of that time. A financing statement shall not be deemed seriously misleading for purposes of this section by the merger, consolidation, share exchange or conversion of a debtor from one type of entity (e.g. corporation, partnership, limited partnership, limited liability company) into another and a corresponding change in the debtor's name, providing the debtor's name changes only to the extent of adding or changing the designation of the debtor's form of organization, and by way of example and not of limitation, the change from "incorporation" or "inc." to "limited liability company" or "LLC" is not seriously misleading, provided it follows the debtor's name. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it

contains minor errors which are not seriously misleading."

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 275**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 248**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 20**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 21**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 453--By Sims.

An Act to repeal sections 376.421, 376.424, 376.426, 379.930, 379.932, 379.934, 379.936, 379.938, 379.940, 379.942, 379.943, 379.944, 379.946 and 379.952, RSMo 1994, and section 379.950, RSMo Supp. 1996, relating to compliance with the federal Health Insurance Portability and Accountability Act of 1996, and to enact in lieu thereof twenty-two new sections relating to the same subject, with penalty provisions and an emergency clause.

SB 454--By Howard.

An Act to amend chapters 172 and 173, RSMo, by adding thereto two new sections relating to boards appointed by the governing bodies of institutions of higher learning.

SB 455--By Howard.

An Act to repeal section 335.046, RSMo Supp. 1996, relating to licensing of nurses, and to enact in lieu thereof one new section relating to the same subject.

SB 456--By Howard.

An Act to repeal section 337.035, RSMo 1994, and section 337.020, RSMo Supp. 1996, relating to the practice of psychology, and to enact in lieu thereof eight new sections relating to the same subject.

SB 457--By Wiggins.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to local government.

SB 458--By Wiggins.

An Act to repeal section 143.751, RSMo 1994, relating to taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 459--By Wiggins.

An Act to repeal sections 2.040 and 2.050, RSMo 1994, relating to session laws, and to enact in lieu thereof two new sections relating to the same subject.

SB 460--By Goode.

An Act to repeal section 644.071, RSMo 1994, relating to appeals of water pollution permits, and to enact in lieu thereof one new section relating to the same subject.

SB 461--By Goode.

An Act to amend chapter 393, RSMo, relating to gas, electric, water, heating and sewer companies, by adding thereto one new section relating to certain electrical corporations.

SB 462--By Goode.

An Act relating to land conservation and development.

SB 463--By Kenney.

An Act to repeal sections 573.040 and 573.060, RSMo 1994, relating to the exposure of minors to online pornography, and to insert in lieu thereof two new sections relating to the same subject.

SB 464--By Yeckel.

An Act relating to a preference by the state to purchase products and services of the blind.

SB 465--By Singleton.

An Act to amend chapter 650, RSMo, by adding thereto six new sections relating to a bureau of gaming security, with an effective date.

SB 466--By McKenna.

An Act to amend chapter 67, RSMo, by adding thereto three new sections relating to sports complex authorities.

SB 467--By McKenna.

An Act to repeal sections 376.421, 376.424, 376.426, 379.930, 379.932, 379.934, 379.936, 379.938, 379.940, 379.942, 379.943, 379.944, 379.946 and 379.952, RSMo 1994, and section 379.950, RSMo Supp. 1996, relating to compliance with federal health care reforms, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions and an emergency clause.

SB 468--By Rohrbach.

An Act to repeal section 160.522, RSMo 1994, relating to public reporting by school districts, and to enact in lieu thereof one new section relating to the same subject.

SJR 19--By House.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 40 of article III of the Constitution of Missouri relating to school district boundaries, and adopting one new section in lieu thereof relating

to the same subject.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 427--Local Government and Economic Development.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 557**, entitled:

An Act to repeal sections 30.750, 30.756, 30.758 and 348.015, RSMo 1994, relating to economic development, and to enact in lieu thereof thirteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 107**, entitled:

An Act relating to a preference by the state to purchase products and services of the blind.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 516**, entitled:

An Act to repeal sections 407.815, 407.825 and 407.835, RSMo 1994, relating to motor vehicle franchise practices, and to enact in lieu thereof thirteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 229**, entitled:

An Act to repeal section 94.645, RSMo 1994, and section 94.665, RSMo Supp. 1996, relating to sales taxation, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem McKenna assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 14**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Mathewson resumed the Chair.

INTRODUCTIONS OF GUESTS

Senator Schneider introduced to the Senate, students from McClure North High School, St. Louis; and Janette Taylor, Teresa Tocco, Andre Burns and Thomas Driemo were made honorary pages.

Senator Westfall introduced to the Senate, Crystal Moore, Sara Jefferies, Brian Thomas, Jennifer Camp and Homer Guernsey, Stockton.

Senator Westfall introduced to the Senate, Mr. and Mrs. J.N. Smith, Springfield.

Senator Ehlmann introduced to the Senate, Gene and Betty Ehlmann, St. Charles.

Senator Singleton introduced to the Senate, Vickie Lybarger, Sterling Gant and Lorinda Southard, Webb City.

Senator Bentley introduced to the Senate, the Physician of the Day, Dr. Larry Halverson, Springfield.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, March 3, 1997.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIRST DAY--MONDAY, MARCH 3, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, the burdens we bear are often heavy. We are thankful that we do not have to bear them alone. We are thankful to be able to take our burdens to the Lord and leave them there. Teach us to be burden bearers for others. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 27, 1997, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators

Banks	Curls--2
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 328, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs.

R.G. Newton, Skidmore, which was adopted.

Senator Yeckel offered Senate Resolution No. 329, regarding Robert Hansman, St. Louis, which was adopted.

Senator Graves offered Senate Resolution No. 330, regarding Charles E. Jones, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 331, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Johnnie Porter, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 332, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lou Watkins, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 333, regarding the Eightieth Birthday of Fannie Riggle, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 334, regarding the One Hundredth Birthday of Myrtle Partin, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 335, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Clarence Eck, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 336, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. L.D. Young, Skidmore, which was adopted.

Senator Graves offered Senate Resolution No. 337, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Hobart Nicholson, Ravenwood, which was adopted.

Senator Mathewson offered Senate Resolution No. 338, regarding the Wrestling Panthers of Oak Grove High School, which was adopted.

Senator Klarich offered Senate Resolution No. 339, regarding the Saint Clair Die Casting Company, which was adopted.

Senator Quick offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 340

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session the entire day of October 30, 1997 and until 1:00 p.m. on October 31, 1997.

SENATE BILLS FOR PERFECTION

Senator Clay moved that **SB 333** be taken up for perfection, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

Senator Westfall offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 333, Page 1, Section 1, Line 4, by inserting after the word "company" "or Missouri state government agencies".

Senator Westfall moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope and purpose of the original bill.

Senator Howard assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Westfall, **SA 1** was withdrawn.

Senator Lybyer offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 333, Page 1, Section 1, Line 8, by inserting after said line the following:

"4. Any such telecommunications company shall provide the same services throughout its service area within six months of the general introduction of a new service in urban areas."

Senator Lybyer moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Schneider offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 333, Page 1, Section 1, Line 3, by inserting a new subsection as follows:

"2. The Public Service Commission shall be authorized to regulate telecommunications companies to accomplish following objectives, after hearing, upon a finding that the same is in the public interest."; and

Further amend line 4, by striking the numeral "2" and substitute "(1)".

Senator Schneider moved that the above amendment be adopted, which motion failed.

On motion of Senator Clay, **SB 333** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 152, introduced by Senator House, entitled:

An Act to repeal section 169.660, RSMo Supp. 1996, relating to nonteacher school employee retirement, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator House, **SB 152** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators--Graves--1

Absent with leave--Senators

Banks Curls--2

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 146, introduced by Senator Goode, entitled:

An Act to repeal section 162.857, RSMo Supp. 1996, relating to special school districts, and to enact in lieu thereof two new sections relating to the same subject, with a termination date for a certain section and an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 146** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall

Wiggins

Yeckel--30

Nays--Senators--None

Absent--Senators

Graves

Schneider--2

Absent with leave--Senators

Banks

Curls--2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Bentley

Caskey

Childers

Clay

DePasco

Ehlmann

Flotron

Goode

House

Howard

Jacob

Johnson

Kenney

Klarich

Lybyer

Mathewson

Maxwell

McKenna

Mueller

Rohrbach

Russell

Scott

Sims

Singleton

Staples

Westfall

Wiggins

Yeckel--28

Nays--Senators--None

Absent--Senators

Graves

Kinder

Quick

Schneider--4

Absent with leave--Senators

Banks

Curls--2

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 242, introduced by Senator Caskey, entitled:

An Act to amend chapter 181, RSMo, by adding thereto one new section relating to the establishment of the Wolfner library trust fund.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 242** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Banks Curls--2

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SB 69, introduced by Senator Russell, entitled:

An Act relating to special motor vehicle license plates for certain veterans.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 69** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell

Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
Nays--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Banks	Curls--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

SB 241, introduced by Senator Bentley, et al, entitled:

An Act to repeal section 137.555, RSMo 1994, relating to funds for county roads and bridges, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Bentley.

On motion of Senator Bentley, **SB 241** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
Nays--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 29, introduced by Senator Quick, entitled:

An Act to repeal section 7.002, RSMo Supp. 1996, relating to the Missouri-Nebraska boundary compact, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Quick, **SB 29** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SB 320, introduced by Senator Howard, entitled:

An Act to repeal sections 256.453 and 256.468, RSMo 1994, relating to registration of geologists, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Howard, **SB 320** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Banks Curls--2

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 141, with **SCS**, introduced by Senator Quick, entitled:

An Act to repeal sections 338.196, 338.220 and 338.365, RSMo 1994, relating to pharmacists and pharmacies, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 141**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 141

An Act to repeal section 338.220, RSMo 1994, relating to pharmacists and pharmacies, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Quick moved that **SCS** for **SB 141** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **SB 141** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Banks Curls--2

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

SB 346, introduced by Senator Flotron, et al, entitled:

An Act to amend chapter 173, RSMo, by adding one new section relating to the Charles Gallagher student financial assistance program.

Was called from the Consent Calendar and taken up by Senator Flotron.

On motion of Senator Flotron, **SB 346** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob

Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Banks	Curls--2
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The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 342, introduced by Senators Goode and Lybyer, entitled:

An Act to repeal sections 256.616, 256.635 and 256.637, RSMo 1994, relating to the water well drillers' fund, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Goode.

On motion of Senator Goode, **SB 342** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Banks Curls--2

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 243, introduced by Senator Caskey, entitled:

An Act to repeal section 435.465, RSMo Supp. 1996, relating to requirements for arbitration agreements, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 243** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Banks Curls--2

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

SB 270, with **SCS**, introduced by Senator Flotron, entitled:

An Act to repeal sections 287.020, 287.030, and 287.090, RSMo 1994, relating to employer and employee coverages and exemptions, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 270**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 270

An Act to repeal sections 287.020, 287.030, 287.061, 287.090, 287.337 and 287.380, RSMo 1994, and 287.037, RSMo Supp. 1996, relating to workers' compensation, and to enact in lieu thereof six new sections relating to the same subject, with an effective date for certain sections.

Was taken up.

Senator Flotron moved that **SCS** for **SB 270** be adopted, which motion prevailed.

On motion of Senator Flotron, **SCS** for **SB 270** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Banks Curls--2

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 119**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 416**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 430**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 353**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 353, Page 1, Section 67.1360, Line 3, by inserting immediately after the word "center" the following:

"and which borders the Missouri river".

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jacqueline McKinsey, Republican, 2802 S. Natural Bridge, Springfield, Greene County, Missouri 65809, as a member of the Missouri Women's Council, for a term ending December 6, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jane B. Klieve, Republican, 854 Holly Ridge Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Women's Council, for a term ending December 6, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Brenda S. Lampton, Republican, 13520 S. 7 Highway, Greenwood, Jackson County, Missouri 64034, as a member of the State Fair Commission, for a term ending December 29, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 3, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John D. Havens, 10351 County Road 2100, St. James, Phelps County, Missouri 65559, as Adjutant General, for a term ending at the pleasure of the Governor; vice, Ray Pendergrass, retired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No.

341, regarding Joshua Benjamin (Josh) Dudley, St. Peters, which was adopted.

Senator Graves offered Senate Resolution No. 342, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Robert Hackett, Burlington Junction, which was adopted.

Senator Graves offered Senate Resolution No. 343, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Peter, Skidmore, which was adopted.

Senator Graves offered Senate Resolution No. 344, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Carl M. Eisiminger, Graham, which was adopted.

Senator Graves offered Senate Resolution No. 345, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Herschel L. Nelson, Graham, which was adopted.

Senator Graves offered Senate Resolution No. 346, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Glenn Everman, Cameron, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, a group from St. Louis Community College, St. Louis; and Mike Kempf, Leah Holbrook and Lisa Catarinicchia were made honorary pages.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SECOND DAY--TUESDAY, MARCH 4, 1997

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we pray for those who live in fear of abuse in our state, women who are abused by their husbands, children who are abused by their parents and workers who are abused by their boss. Help us to make our state safe for all people and a life of peace for everyone. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Quick announced that photog-raphers from the Farm Journal had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators

Banks	Curls--2
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The Lieutenant Governor was present.

THIRD READING OF SENATE BILLS

SB 63, introduced by Senator Childers, entitled:

An Act to amend chapter 306, RSMo, by adding thereto one new section relating to unauthorized jumping from commercial passenger boats, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 63** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators--Ehlmann--1

Absent with leave--Senators

Banks	Curls	Flotron--3
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The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 105, with **SCS**, introduced by Senator Graves, entitled:

An Act to repeal sections 357.010, 357.050, 357.130 and 357.150, RSMo 1994, relating to cooperative companies, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 105**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 105

An Act to amend chapter 357, RSMo, by adding one new section relating to housing cooperatives.

Was taken up.

Senator Graves moved that **SCS** for **SB 105** be adopted, which motion prevailed.

On motion of Senator Graves, **SCS** for **SB 105** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators--Ehlmann--1

Absent with leave--Senators

Banks	Curls	Flotron--3
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The President declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SB 340, introduced by Senator DePasco, entitled:

An Act to repeal section 37.005, RSMo Supp. 1996, relating to the office of administration, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator DePasco, **SB 340** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Goode	Graves	House

Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Singleton	Staples	Westfall	Wiggins
Yeckel--29			

Nays--Senators--None

Absent--Senators

Ehlmann	Sims--2
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Absent with leave--Senators

Banks	Curls	Flotron--3
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The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 375, introduced by Senator Mathewson, entitled:

An Act to repeal sections 409.301, 409.403 and 409.415, RSMo 1994, and sections 409.201, 409.202, 409.203 and 409.401, RSMo Supp. 1996, relating to the Missouri uniform securities act, and to enact in lieu thereof eight new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 375** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators--Sims--1

Absent with leave--Senators

Banks Curls Flotron--3

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 150, introduced by Senator Caskey, entitled:

An Act to repeal sections 354.710 and 375.012, RSMo 1994, and to enact in lieu thereof two new sections relating to prepaid dental plans.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 150** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators--Sims--1

Absent with leave--Senators

Banks Curls Flotron--3

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 168**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 168** was again taken up.

Senator House offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 6, Section 167.275, Line 11, by inserting immediately after the word "system" the following: "**to be used solely for the purposes enumerated in this Act**"; and

Further amend said bill, Page 6, Section 167.275, Line 22, by inserting immediately after the period "." the following: "**The information obtained for this pupil attendance and dropout reporting system shall be limited to the name, address, phone number and attendance record of the student.**".

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 9, Section 170.015, Line 28, by inserting immediately after all of said line the following:

"174.125. All teacher-training institutions, receiving state aid, shall provide courses in physical education, **first aid and cardiac-pulmonary resuscitation** for the proper preparation of teachers to carry out the rules and regulations of the state board of education under section 161.102, RSMo. Each of the five state colleges shall provide extension service of properly trained and qualified field advisers for the teachers and others engaged in carrying out the provisions of sections 161.102 and 168.171, RSMo, within their several territorial jurisdictions, such jurisdiction to be established and coordinated by the state commissioner of education."

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 9, Section 170.015, Line 28, by inserting immediately after all of said line the following:

"**170.016. 1. Each state educational institution, as defined in section 176.010, RSMo, shall evaluate each member of its instructional faculty for oral, aural and written fluency in the English language in the classroom. Such fluency shall be determined by a national test of English language proficiency approved by the coordinating board for higher education. No person who has passed such a test shall be required to retake such a test.**"

2. No classroom course or other classroom instructional program offered by a state educational institution shall be taught by a faculty member who has not been evaluated pursuant to subsection 1 of this section or by a faculty member who has not passed such evaluation.

3. On or before September first of each school year, each state educational institution shall provide in writing, to the coordinating board for higher education, certification that all instructional faculty members of the institution hired on or after the effective date of this section or the date the most recent certification was filed with the coordinating board, whichever is later, have been evaluated for classroom English fluency, as provided in subsection 1 of this section, and that all such faculty members have passed the evaluation. To the extent practical, the coordinating board shall ensure that reporting requirements pursuant to this subsection are coordinated with reporting requirements pursuant to subsection 4 of section 170.012, to reduce the amount of paperwork and number of required reports.

4. Any institution which violates subsection 2 of this section shall have its state aid appropriation reduced by five thousand dollars for each course or instructional program taught in violation of subsection 2 of this section.

5. For the purposes of this section, "instructional faculty member" shall include any faculty member or graduate teaching assistant, except for a visiting faculty member, who teaches one or more credit courses, at one or more campuses of that institution, excluding courses which are designed to be taught primarily in a foreign language and elective, individual instruction and independent study courses.

6. Any citizen of the state shall have standing to bring an action against the state to require enforcement of this section. Such action may be brought in any circuit court in which one or more campuses of the affected institution are located."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 4** is out of order in that the amendment goes beyond the scope of the bill and further that the amendment attempts to add an additional chapter of the statutes to the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Johnson announced that photographers from KMIZ-TV had been given permission to take pictures in the Senate Chamber today.

Senator Singleton offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 4, Section 166.275, Line 21 of said page, by inserting immediately after said line the following:

"167.161. 1. The school board of any district, after notice to parents or others having custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the pupils. In addition to the authority granted in section 167.171, a school board may authorize, by general rule, the immediate removal of a pupil upon a finding by the principal, superintendent, or school board that the pupil poses a threat of harm to such pupil or others, as evidenced by the prior conduct of such pupil. Prior disciplinary actions shall not be used as the sole basis for removal, suspension or expulsion of a pupil. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. At the hearing upon any such removal, suspension or expulsion, the board shall consider the evidence and statements that the parties present and may consider records of past disciplinary actions, criminal court records or juvenile court records consistent with other provisions of the law, or the actions of the pupil which would constitute a criminal offense. The board may provide by general rule not inconsistent with this section for the procedure and conduct

of such hearings. After meeting with the superintendent or his designee to discuss the expulsion, the parent, custodian or the student, if at least eighteen years of age, may, in writing, waive any right to a hearing before the board of education.

2. The school board of any district, after notice to parents or others having custodial care and a hearing upon the matter, may suspend a pupil upon a finding that the pupil has been charged, convicted or pled guilty in a court of general jurisdiction for the commission of a felony criminal violation of state or federal law. At a hearing required by this subsection, the board shall consider statements that the parties present. The board may provide for the procedure and conduct of such hearings.

3. The school board shall make a good-faith effort to have the parents or others having custodial care present at any such hearing. **Notwithstanding any other provision of law to the contrary, student discipline hearings or proceedings related to the rights of students to attend school or to receive academic credit shall not be required to comply with the requirements applicable to contested case hearings as provided in chapter 536, RSMo, provided that appropriate due process procedures shall be observed."**; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Childers offered **SA 1 to SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 2, Section 167.161, Line 19, by inserting after the word "observed" on said line the words "for appeal to the courts as provided in chapter 536 RSMo".

Senator Childers moved that the above amendment be adopted.

At the request of Senator Childers, **SA 1 to SA 5** was withdrawn.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Jacob offered **SA 2 to SA 5**:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 2, Section 167.161, Line 19, by inserting after the word "observed" the following: "which shall include the right for a direct appeal for a de novo review by the circuit court".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

SA 5, as amended, was again taken up.

Senator Singleton moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Rohrbach offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 4, Section 167.270, Line 22, by inserting immediately prior to said line the following:

"167.117. 1. In any instance when any person is believed to have committed an act which if committed by an adult would be assault in the first[,] **or** second [or third] degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent.

2. In any instance when a pupil is discovered to have on or about such pupil's person, or among such pupil's possessions, or placed elsewhere on the school premises, any controlled substance as defined in section 195.010, RSMo, or any weapon as defined in subsection 4 of section 160.261, RSMo, in violation of school policy, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent.

3. In any instance when a teacher becomes aware of an assault as set forth in subsection 1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth in subsection 2 of this section, the teacher shall immediately report such incident to the principal.

4. A school employee, superintendent or such person's designee who in good faith provides information to police under subsection 1 or 2 of this section shall not be civilly liable for providing such information.

5. Any school official responsible for reporting pursuant to this section or section 160.261, RSMo, who willfully neglects or refuses to perform this duty shall be subject to the penalty established pursuant to section 162.091, RSMo."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 1, In the Title, Line 4, by deleting the word "five" and inserting in lieu thereof the word "four"; and

Further amend said bill, Page 1, Section A, Line 2 of said page, by deleting the word "five" and inserting in lieu thereof the word "four"; and

Further amend said bill, Page 1, Section A, Line 4 of said page, by deleting "167.275 and 170.015" and inserting in lieu thereof the following: "and 167.275"; and

Further amend said bill, Page 7, Section 170.015, Lines 11 to 28 of said page, by deleting all of said lines; and

Further amend said bill, Page 8, Section 170.015, Lines 1 to 28 of said page, by deleting all of said lines; and

Further amend said bill, Page 9, Section 170.015, Lines 1 to 28 of said page, by deleting all of said lines.

Senator Jacob moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator House requested a roll call vote be taken on the adoption of **SA 7** and was joined in his request by Senators Childers, Kenney, Mueller and Westfall.

At the request of Senator House, **SB 168**, with **SCS**, **SS** for **SCS** and **SA 7** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 12**.

HOUSE CONCURRENT RESOLUTION NO.12

WHEREAS, the Federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., contains a comprehensive regulatory scheme for the control of emissions from mobile and stationary sources; and

WHEREAS, ozone and other air pollutants have declined substantially over the past 25 years throughout the United States due to implementation of the Clean Air Act, with additional progress expected as the 1990 Clean Air Act Amendments are implemented; and

WHEREAS, the Northeast Ozone Transport Commission ("OTC"), in an effort to remedy the serious ozone nonattainment conditions prevailing in urbanized areas of the Northeast, has proposed emission control requirements for stationary and mobile sources more stringent than those applicable to states outside of the Northeast Ozone Transport Region ("OTR"), including a petition to the U.S. Environmental Protection Agency ("EPA") concerning Low-Emitting Vehicle emission control requirements, and a Memorandum of Understanding concerning stationary source emission control requirements; and

WHEREAS, the OTC's initiatives together with other local emission control actions will help northeastern states to attain the national ambient air quality standard for ozone; and

WHEREAS, in response to concerns raised by certain northeastern states about the interstate transport of ozone, the U.S. EPA has convened the Ozone Transport Assessment Group ("OTAG"), involving representatives from 37 states to the west and south of the Northeast OTR, including Missouri, to consider means to reduce the atmospheric transport of ozone; and

WHEREAS, OTAG will develop recommendations in 1997 for emission control actions in states outside of the Northeast that may form the basis for U.S. EPA enforcement actions under the Clean Air Act, including the preparation and submission of State Implementation Plans calling for control actions in Missouri not specifically mandated by the Clean Air Act Amendments of 1990; and

WHEREAS, both the Midwestern Governors' Association and the Southern Governors' Conference have adopted resolutions calling on U.S. EPA and OTAG, inter alia, to include state legislative participation within OTAG, but such participation has neither been invited nor taken place; and

WHEREAS, computer modeling studies prepared by OTAG indicate that: a) ozone nonattainment is caused predominantly by local emission sources in densely-populated urbanized areas; b) emissions originating in Missouri do not contribute significantly to ozone nonattainment in other states or regions; and c) even the most extreme emission controls imposed in local or in upwind areas would not permit some urban areas to demonstrate attainment of the national ozone standard; and

WHEREAS, emission controls for stationary and mobile sources under consideration by OTAG for states outside the Northeast are substantially more stringent and more costly than those mandated by the Clean Air Act Amendments of 1990, and could impair the competitiveness of businesses and industries in Missouri, with negligible environmental benefits, and with adverse effects on employment and income in Missouri; and

WHEREAS, imposition of emission control requirements under consideration by OTAG could impede economic development and job creation to the detriment of the well-being of the citizens of Missouri and its economy; and

WHEREAS, legislative oversight of proposed actions of the Ozone Transport Assessment Group, and related actions of U.S. EPA directly or indirectly affecting the citizens and economy of Missouri, is in the public interest:

NOW, THEREFORE, BE IT RESOLVED by the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that the Director of the Department of Natural Resources be requested to provide periodic reports to the legislature on progress in the OTAG decision-making process, and submit any proposed OTAG recommendations, together with the explanation thereof, as expeditiously as practicable to the Governor, President Pro Tem of the Senate, Speaker of the House, and the Chairmen of the House Committee on Environment and Energy and the Senate Committee on Commerce and Environment for review and consideration; and

BE IT FURTHER RESOLVED that within a reasonable time following receipt of the aforesaid proposed OTAG recommendations, and prior to those recommendations being made final by OTAG, the committees shall convene public hearings to receive comments from agencies of government and other interested parties on the prospective economic and environmental impacts of said decisions or recommendations, including impacts on energy use, the environment, economic development, utility costs and rates, transportation fuel costs, and industrial competitiveness; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Director of the Department of Natural Resources.

In which the concurrence of the Senate is respectfully requested.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 437--Ways and Means.

SB 459--Judiciary.

SB 468--Education.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 410--Education.

REFERRALS

President Pro Tem McKenna referred **SS** for **SB 271** to the Committee on State Budget Control.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 422--Aging, Families and Mental Health.

SB 424--Corrections and General Laws.

SB 425--Transportation.

SB 426--Aging, Families and Mental Health.

SB 428--Education.

SB 429--Public Health and Welfare.

SB 431--Judiciary.

SB 432--Local Government and Economic Development.

SB 433--Judiciary.

SB 434--Corrections and General Laws.

SB 435--Transportation.

SB 436--Transportation.

SB 438--Commerce and Environment.

SB 439--Labor and Industrial Relations.

SB 440--Education.

SB 441--Agriculture, Conservation, Parks and Tourism.

SB 442--Civil and Criminal Jurisprudence.

SB 443--Transportation.

SB 444--Transportation.

SB 445--Transportation.

SB 446--Commerce and Environment.

SB 447--Commerce and Environment.

SB 448--Transportation.

SB 449--Financial and Governmental Organization.

SB 450--Commerce and Environment.

SB 451--Corrections and General Laws.

SB 452--Transportation.

SB 453--Aging, Families and Mental Health.

SB 454--Education.

SB 455--Public Health and Welfare.

SB 456--Aging, Families and Mental Health.

SB 457--Ways and Means.

SB 458--Ways and Means.

SB 460--Civil and Criminal Jurisprudence.

SB 461--Commerce and Environment.

SB 462--Agriculture, Conservation, Parks and Tourism.

SB 463--Civil and Criminal Jurisprudence.

SB 464--Financial and Governmental Organization.

SB 465--Corrections and General Laws.

SB 466--Corrections and General Laws.

SB 467--Aging, Families and Mental Health.

SJR 18--Financial and Governmental Organization.

SJR 19--Education.

CONCURRENT RESOLUTIONS

Senator Bentley moved that **SCR 19** be taken up for adoption, which motion prevailed.

On motion of Senator Bentley, **SCR 19** was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Mathewson
Maxwell	McKenna	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Westfall	Wiggins	Yeckel--27	

Nays--Senators--Mueller--1

Absent--Senators

Klarich	Lybyer	Scott	Staples--4
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Absent with leave--Senators

Banks	Curls--2
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President Pro Tem McKenna assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 168**, with **SCS**, **SS** for **SCS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 7 was again taken up.

SA 7 failed of adoption by the following vote:

Yeas--Senators

Caskey	Clay	DePasco	Goode
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Howard	Jacob	Johnson	Maxwell
McKenna	Scott	Sims--11	
Nays--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	House	Kenney	Kinder
Klarich	Lybyer	Mathewson	Mueller
Quick	Rohrbach	Russell	Schneider
Singleton	Staples	Westfall	Wiggins
Yeckel--21			

Absent--Senators--None

Absent with leave--Senators

Banks	Curls--2
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Senator Sims offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 9, Section 170.015, Line 28 of said page, by inserting immediately after all of said line the following:

"171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance. [The opening date shall not be earlier than the first day of September, except:

(1) If the first day of September falls on Labor Day or a Saturday or Sunday, the school board in any school district may move the starting day for that term to a subsequent school day;

(2) In school districts in which schools are in session for twelve months of each calendar year; and

(3) In school districts in which the school board determines students are needed for agricultural production purposes.]

2. No school day shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Howard offered **SA 1** to **SA 8**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 1, Section 173.031, Lines 15-18, by deleting all of line 15 after the word "hours" and lines 16-18 and inserting in lieu thereof the following: "unless otherwise established by the school board. and".

Senator Howard moved that the above amendment be adopted.

Senator Kenney raised the point of order that **SA 8** is out of order in that the amendment goes beyond the scope of the bill and is not germane.

Senator Quick assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 to **SA 8** was again taken up.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

SA 8, as amended, was again taken up.

Senator Sims moved that the above amendment be adopted.

Senator Mathewson resumed the Chair.

Senator Ehlmann offered **SSA 1** for **SA 8**, as amended:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 9, Section 170.015, Line 28 of said page, by inserting immediately after all of said line the following:

"171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance. The opening date shall not be earlier than the first day of September, except:

(1) If the first day of September falls on Labor Day or a Saturday or Sunday, the school board in any school district may move the starting day for that term to a subsequent school day;

(2) In school districts in which schools are in session for twelve months of each calendar year; and

(3) [In school districts in which the school board determines students are needed for agricultural production purposes.]

2. No school day shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above substitute amendment be adopted.

At the request of Senator House, **SB 168**, with **SCS**, **SS** for **SCS**, **SA 8**, as amended and **SSA 1** for **SA 8**, as amended (pending), was placed on the Informal Calendar.

Senator Johnson resumed the Chair.

Senator Maxwell moved that **SB 239** and **SB 45**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 239** and **45**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 239 and 45

An Act to repeal sections 105.470, 105.959 and 105.961, RSMo 1994, and sections 105.955 and 130.046, RSMo Supp. 1996, relating to certain public officials, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Maxwell moved that **SCS** for **SBs 239** and **45** be adopted.

Senator Maxwell offered **SS** for **SCS** for **SBs 239** and **45**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 239 and 45

An Act to repeal sections 105.470, 105.498, 105.959 and 105.961, RSMo 1994, and section 105.955, RSMo Supp. 1996, relating to certain public officials, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Senator Maxwell moved that **SS** for **SCS** for **SBs 239** and **45** be adopted.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239 and 45, Page 9, Section 105.470, Lines 20 and 21, by striking the word "the" in line 20 and strike the phrase "caucus consists of at least ten members,".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Howard assumed the Chair.

Senator Rohrbach offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239 and 45, Page 13, Section 105.473, Line 24, by deleting on said line the words "If the public official is participating" and inserting in lieu thereof the following: "When the expenditure is made to pay actual expenses or costs of a public official's participation".

Senator Rohrbach moved that the above amendment be adopted.

Senator Flotron offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239 and 45, Page 13, Section 105.473, Lines 8-13 on page 14, by striking all of those lines and insert in lieu thereof the following:

"105.473. 1. Each house of the general assembly and statewide elected officials shall adopt rules or policies regarding the conditions under which its members or elected officials may accept meals, food, beverages or other gifts from a legislative lobbyist, as defined in paragraph (a) of subdivision (4) of subsection 1 of section 105.470, or such lobbyist's principal. Such rules shall allow a member or statewide elected official to reimburse such lobbyist or lobbyist principal for the actual cost of any meals, food or beverages provided to such member or statewide elected official."; and

Further amend said bill, section 105.498, page 15, line 22, by striking the word "which" and all the words through and including the word "member" on page 16, line 2.

Senator Flotron moved that the above substitute amendment be adopted.

At the request of Senator Maxwell, **SB 239** and **SB 45**, with **SCS, SS** for **SCS, SA 2** and **SSA 1** for **SA 2** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 333**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On behalf of Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, Senator McKenna submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 402**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 410**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 373**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 4**.

HOUSE CONCURRENT RESOLUTION NO. 4

WHEREAS, the economic vitality and well-being of the state of Missouri depends on the availability of reliable, low-cost electric energy; and

WHEREAS, there is currently a nationwide trend toward competition in the generation, sale and transmission of electric energy, one which has both potential benefits and potential adverse effects on public utilities and their shareholders, their customers, and the citizens of this state; and

WHEREAS, the Missouri General Assembly believes that it is in the best interest of the citizens of this state to explore the effects of competition in the generation, sale, and transmission of electric energy:

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function during the interim between the first and second regular sessions of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations on the following issues:

1. Financial issues, including:

- (a) The taxes and fees paid by public utilities and the tax and fee implications for local governments.
- (b) The quantification and recovery of stranded investments and costs by public utilities.
- (c) The pricing of transmission and distribution services.
- (d) The pricing and rate subsidies for all classes of customers.
- (e) The unbundling costs of services.
- (f) Retail wheeling, including distribution losses.

2. Legal issues, including:

- (a) The issues of state and federal jurisdiction.
- (b) The state statutory and regulatory constraints and oversight.
- (c) The issues related to the federal energy regulatory commission.
- (d) The commerce clause constraints, interstate reciprocity and the regional nature of the industry.
- (e) The impact on existing statutes.
- (f) The obligations of a utility to serve customers.
- (g) The use and protection of proprietary information in a competitive market.

3. Social issues, including:

- (a) The planning and operations of public utilities.
- (b) The efficiency and sufficiency of an aggregate supply of energy.
- (c) The possible environmental impacts.
- (d) The possible impact on the development and use of renewable resources.
- (e) The recovery of the cost of social, low-income and noneconomic renewable energy programs in order to ensure that costs are fairly and equitably shared among all consumers of electric energy.

4. Issues related to system planning, operation and reliability, including:

- (a) Electric system reliability.

- (b) Customer's choice of generation providers.
- (c) The applicability of regulatory reliability criteria to nonutility market participants.
- (d) The form and requirements of contracts for the sale or purchase of electric energy.
- (e) Requirements for metering energy usage at the customer's location.
- (f) Designation and regulation of ancillary services.

5. Identification and review of the potential market structures, including:

- (a) The possible market structures for a deregulated generation market and transmission market and whether they should be mandated or allowed to form voluntarily.
 - (b) The formation of market segments in response to customers' requirements.
 - (c) The impact on the investment stability of the electric utility industry.
 - (d) The impact on multipurpose entities.
 - (e) The potential to improve economic efficiency.
 - (f) The size of the market and the extent to which its size impacts the level of benefits for customers or groups of customers.
 - (g) The ability of participants with control over the generation and transmission system to exercise market power over pricing or the need for controls to prevent the exercise of market power.
 - (h) The controls or bans on corporate relationships between regulated utilities and emerging competitive sectors.
 - (i) The barriers to achieving nondiscriminatory competition among electric energy suppliers.
 - (j) The viability of all customers to participate in and benefit from a competitive electricity market.
6. Other issues related to the generation, sale and transmission of electric energy; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the second regular session of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission; the Division of Energy, Department of Natural Resources; the Department of Economic Development; the Office of Public Counsel; rural electric cooperatives; investor owned and municipal utilities; and agricultural, industrial, commercial, and residential customer representatives; and

BE IT FURTHER RESOLVED FURTHER RESOLVED that the committee shall, early in its deliberations, call upon any representative of the natural gas industry, including all forms of investor owned and municipal utilities, the Missouri Public Service Commission, and the Office of Public Counsel, to determine if the natural gas industry should be included in the study and recommendations; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members, and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof, be paid from the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

adopted **HCR 10.**

HOUSE CONCURRENT RESOLUTION NO. 10

WHEREAS, the state of Missouri's economic vitality and well-being are dependent upon telecommunications services and energy services; and

WHEREAS, deregulation of telecommunications and energy services will likely create competitive markets, new services and customer choices; and

WHEREAS, taxes, fees and other assessments on various telecommunications and energy services are imposed by the state and the various political subdivisions of the state with differing rates, tax bases and assessment practices upon similar properties and upon related and competitive services, such as telephone and cable television; and

WHEREAS, the privilege and procedure for granting of conveyance, easement and right-of-way of certain properties impact the fair and consistent delivery of telecommunications and energy services in a competitive market; and

WHEREAS, a fair, equitable and consistent tax structure will ensure adequate and affordable telecommunications and energy services across different regions of the state; and

WHEREAS, in the interest of fairness, competition and defining the role of government, the issue of whether governmental entities should expend public resources to compete with private telecommunications entities should be explored:

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function during the interim between the first and second regular sessions of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, technological and economic issues of telecommunications and energy services taxes and fees, to include sales, use, gross receipts, licenses and franchise fees and taxes, competition between governmental entities and private telecommunication entities, consistency and fairness of conveyance, easement and right-of-way practices relating to telecommunications and energy delivery of services, any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic development, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers and representative of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 347, regarding Sergeant Salvatore Cardella, Jr., USMC, which was adopted.

Senator Clay offered Senate Resolution No. 348, regarding Mattie Clark, St. Louis, which was adopted.

Senator DePasco offered Senate Resolution No. 349, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Riley Raymond McNally, Kansas City, which was adopted.

Senator Clay offered Senate Resolution No. 350, regarding Thomas Henry, Northwoods, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Staples, the President introduced to the Senate, Adjutant General Joe Havens, St. James.

Senator Klarich introduced to the Senate, Debbie Durham and Debbie McDaniel, Sullivan.

Senator Yeckel introduced to the Senate, Sally Ginger and Girl Scouts from St. Catherine La Boure School, St. Louis; and Diana Anselman, Danielle Beckerle, Jessica Dothage and Amy Lopez were made honorary pages.

Senator Sims introduced to the Senate, thirty eighth grade students from McKinley Classical Junior Academy, St. Louis; and Daniel York, Clay Shorter, Kendra Williba and Kelly Groves were made honorary pages.

Senator Mueller introduced to the Senate, forty-three seventh grade students from St. Gerard Majella, St. Louis; and Matt Normile, Rachel Kelly, Ben Wastler and Patrick Robert were made honorary pages.

On behalf of Senator Johnson, the President introduced to the Senate, members of the Missouri Nurses Association.

Senator Maxwell introduced to the Senate, members of the Paris High School Government Class.

Senator Staples introduced to the Senate, the Physician of the Day, Dr. David Auner, Ironton.

Senator Graves introduced to the Senate, Arlene Lanning, and students from Spickard Elementary, Spickard.

Senator Ehlmann introduced to the Senate, Bob and Ann Schulte, St. Paul.

Senator Singleton introduced to the Senate, Grace Ayton, Dr. Barbara Box and Willie Shippee, Joplin.

On behalf of Senator McKenna and himself, Senator Staples introduced to the Senate, Kristan Spiker, Angie Pecinovsky, Stephanie Wilcoxon, Tammy Krolik, Bernadine McGuire, Julie Pierce, Jaye Polesel, Chris Moree, Janel Scotino and Tracey Holden, Hillsboro.

Senator Yeckel introduced to the Senate, Margie LaMore, and students from the Truman Elementary School Gifted Program, St. Louis; and Ross Twele, Erin Ringling, Elizabeth Edwards and Adam LaMore were made honorary pages.

Senator Howard introduced to the Senate, members of the Student Senate from Three Rivers Community College; Pat Kirby, Michael Gross, Debbie Behnen, Charity Rainwater, Adam Green, Kevin King, Pauletta Burns and Christin Delaverus.

Senator Kenney introduced to the Senate, Jeanette Ashby, Mary Lindsey, Lynda Elton, Rebecca Funk, David Brouse, and fourth grade students from Cordell Mason School, Blue Springs; and Garret Schmidt, BreAnna Harmon, Jamie Brents and Joshua Johnston were made honorary pages.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-THIRD DAY--WEDNESDAY, MARCH 5, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, thank You for things often overlooked and seldom praised, a tongue with which to speak, a mind with which to think, hands with which to write, and feelings we can share. Lord, we would use these for good and not evil, to lift up and not tear down, to mend--to build--to help. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Curls--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 351, regarding the One Hundredth Birthday of Frances Pool Fox, Dexter, which was adopted.

On motion of Senator Quick, the Senate recessed for 5 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

THIRD READING OF SENATE BILLS

SB 67, introduced by Senators Russell and Staples, entitled:

An Act to repeal sections 238.300, 238.302 and 238.325, RSMo 1994, relating to transportation corporations, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up by Senator Russell.

On motion of Senator Russell, **SB 67** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
House	Johnson	Kenney	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Staples	Westfall	Wiggins

Yeckel--25

Nays--Senators

Flotron	Graves	Howard	Kinder
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Klarich--5

Absent--Senators--Schneider--1

Absent with leave--Senators

Curls	Jacob	Singleton--3
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The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 132, introduced by Senator Staples, entitled:

An Act to repeal section 115.361, RSMo Supp. 1996, relating to elections, and to enact in lieu thereof one new

section relating to the same subject.

Was taken up.

On motion of Senator Staples, **SB 132** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Curls	Jacob	Singleton--3
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The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SCS for **SB 55**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 55

An Act to repeal section 288.040, RSMo Supp. 1996, relating to unemployment benefit eligibility, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Klarich.

On motion of Senator Klarich, **SCS** for **SB 55** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
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Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Scott
Sims	Staples	Westfall	Wiggins
Yeckel--29			

Nays--Senators--Schneider--1

Absent--Senators--Quick--1

Absent with leave--Senators

Curls	Jacob	Singleton--3
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The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SCS for **SBs 38** and **83**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 38 and 83

An Act to repeal sections 210.150, 210.152 and 210.183, RSMo 1994, relating to reports of child abuse or neglect, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Howard.

On motion of Senator Howard, **SCS** for **SBs 38** and **83** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples

Westfall Wiggins Yeckel--31

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Curls Jacob Singleton--3

The President Pro Tem declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SCS for **SB 191**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 191

An Act to amend chapter 701, RSMo, by adding one new section relating to grinder pump pressure sewer systems, with an emergency clause.

Was taken up by Senator Caskey.

Senator Clay assumed the Chair.

On motion of Senator Caskey, **SCS** for **SB 191** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--Goode--1

Absent--Senators--Schneider--1

Absent with leave--Senators

Curls Singleton--2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Curls Singleton--2

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SB 142, introduced by Senators DePasco and McKenna, entitled:

An Act to repeal sections 367.044, 367.045, 367.047, 367.048 and 367.050, RSMo 1994, relating to pawnbrokers, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Was taken up by Senator DePasco.

On motion of Senator DePasco, **SB 142** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Curls	Singleton--2
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The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

President Pro Tem McKenna resumed the Chair.

President Wilson assumed the Chair.

SS for **SB 121**, introduced by Senator Caskey, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 121

An Act to repeal sections 307.178, RSMo 1994, and 307.350, RSMo Supp. 1996, relating to motor vehicle safety requirements, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Caskey, **SS** for **SB 121** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Maxwell	McKenna	Quick
Scott	Staples	Westfall	Wiggins

Yeckel--21

Nays--Senators

Childers	Howard	Kinder	Klarich
Lybyer	Mathewson	Mueller	Rohrbach
Russell	Schneider	Sims--11	

Absent--Senators--None

Absent with leave--Senators

Curls	Singleton--2
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The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 119, introduced by Senator Mathewson, entitled:

An Act to amend chapter 315, RSMo, by adding six new sections relating to the rights and obligations of innkeepers and guests.

Was taken up.

On motion of Senator Mathewson, **SB 119** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Graves	Westfall--2
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Absent with leave--Senators

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Clay moved that motion lay on the table, which motion prevailed.

SB 333, introduced by Senator Clay, entitled:

An Act relating to certain telecommunications services.

Was taken up.

On motion of Senator Clay, **SB 333** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Schneider
Scott	Sims	Staples	Wiggins
Yeckel--29			

Nays--Senators		
Mueller	Russell	Westfall--3

Absent--Senators--None

Absent with leave--Senators

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator House moved that **SB 168**, with **SCS, SS** for **SCS, SA 8**, as amended, and **SSA 1** for **SA 8**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 8**, as amended, was again taken up.

At the request of Senator Ehlmann, the above substitute amendment was withdrawn.

SA 8, as amended, was again taken up.

At the request of Senator Sims, the above amendment, as amended, was withdrawn.

Senator Bentley offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 9, Section 170.015, Lines 7-9, after the word "contraceptives" place a period. Delete the following language through line 9. Add: "Policies concerning referrals and parental notification regarding contraception may be determined by local school boards."

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

President Pro Tem McKenna resumed the Chair.

Senator Johnson offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 4, Section 166.275, Line 21 of said page by inserting immediately after all of said line the following:

"167.031. 1. Every parent, guardian or other person in this state having charge, control or custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools and between the ages of [seven] **six** and sixteen years is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of this section. Any parent, guardian or other person who enrolls a child between the ages of five and [seven] **six** years in a public school program of academic instruction shall cause such child to attend the academic program on a regular basis, according to this section. Nonattendance by such child shall cause such parent, guardian or other responsible person to be in violation of the provisions of section 167.061, except as provided by this section. A parent, guardian or other person in this state having charge, control, or custody of a child between the ages of [seven] **six** and sixteen years of age shall cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools not less than the entire school term of the school which the child attends; except that

(1) A child who, to the satisfaction of the superintendent of public schools of the district in which he resides, or if there is no superintendent then the chief school officer, is determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof;

(2) A child between fourteen and sixteen years of age may be excused from attendance at school for the full time required, or any part thereof, by the superintendent of public schools of the district, or if there is none then by a court of competent jurisdiction, when legal employment has been obtained by the child and found to be desirable, and after the parents or guardian of the child have been advised of the pending action; or

(3) A child between five and [seven] **six** years of age shall be excused from attendance at school if a parent, guardian or other person having charge, control or custody of the child makes a written request that the child be dropped from the school's rolls.

2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether incorporated or unincorporated, that:

(a) Has as its primary purpose the provision of private or religious-based instruction;

(b) Enrolls pupils between the ages of [seven] **six** and sixteen years, of which no more than four are unrelated by affinity or consanguinity in the third degree; and

(c) Does not charge or receive consideration in the form of tuition, fees, or other remuneration in a genuine and fair exchange for provision of instruction;

(2) As evidence that a child is receiving regular instruction, the parent shall:

(a) Maintain the following records:

a. A plan book, diary, or other written record indicating subjects taught and activities engaged in; and

b. A portfolio of samples of the child's academic work; and

c. A record of evaluations of the child's academic progress; or

d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

(b) Offer at least one thousand hours of instruction, at least six hundred hours of which will be in reading, language arts, mathematics, social studies and science or academic courses that are related to the aforementioned subject areas and consonant with the pupil's age and ability. At least four hundred of the six hundred hours shall occur at the regular home school location.

3. Nothing in this section shall require a private, parochial, parish or home school to include in its curriculum any concept, topic, or practice in conflict with the school's religious doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all departments or agencies of the state of Missouri shall be prohibited from dictating through rule, regulation or other device any statewide curriculum for private, parochial, parish or home schools.

4. A school year begins on the first day of July and ends on the thirtieth day of June following.

5. The production by a parent of a daily log showing that a home school has a course of instruction which satisfies the requirements of this section shall be a defense to any prosecution under this section and to any charge or action for educational neglect brought pursuant to chapter 210, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted.

At the request of Senator House, **SB 168**, with **SCS, SS** for **SCS** and **SA 10** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, Senator Wiggins submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 395**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 379**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 408**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 381**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following reports:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 389**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 389, Page 1, In the Title, Line 2, by inserting immediately after the word "repeal" the following: "section 104.035, RSMo 1994, and"; and

Further amend said bill, Page 1, In the Title, Line 4, by striking the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after the word "Section" the following: "104.035, RSMo 1994, and section"; and

Further amend said bill, Page 1, Section A, Line 1, by striking the word "is" and inserting in lieu thereof the word "are"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the words "as section" and inserting in lieu thereof the following: "as sections 104.035 and"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

"104.035. 1. Any member whose employment terminated prior to August 13, 1976, and who had served twenty years or more as an employee shall be entitled to a deferred normal annuity based on his creditable service, average compensation, and the act in effect at the time his employment was terminated.

2. Any member whose employment terminates on or after August 13, 1976, and prior to June 1, 1981, and who had served fifteen or more years' creditable service as an employee or had served ten or more years of creditable service as an employee and was at least thirty-five years of age at the date of termination of employment shall be entitled to a deferred normal annuity based on his creditable service, average compensation, and the act in effect at the time his employment was terminated.

3. Any member whose employment terminates on or after June 1, 1981, and who has ten or more years of creditable service at the date of termination of employment shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation and the act in effect at the time the member's employment is terminated.

4. Any member entitled to a deferred normal annuity as provided in subsection 1, 2, 3 or 5 of this section who reenters the service of a department and again becomes a member of the system and thereafter serves for one continuous year shall have his prior period of service restored, so that benefits determined by reason of his retirement or subsequent withdrawal from service will include the sum of all periods of creditable service, and his annuity shall be based on his creditable service, average compensation, and the act in effect at the time of his retirement or subsequent withdrawal from service.

5. For any employee first employed after August 28, 1997, the retired member who is elected to any state office or is appointed to any state office or is employed by a department which is covered by the Missouri state employees' retirement system, shall not receive any annuity or other retirement benefits for any month or part of a month for which the member serves as an elected or appointed official or employee. Upon termination of such position or employment, the retired member shall receive the same amount of annuity and other retirement benefits which existed prior to such position or employment.

[5.] 6. Notwithstanding any other law to the contrary, any member of the highways and transportation and highway patrol retirement system whose employment terminated on or after September 28, 1992, who has five or more years of vesting service as an employee at the date of termination of employment shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation, and the act in effect at the time the member's employment was terminated."

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 362**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 362, Page 12, Section 104.335, Lines 88 through 101, by deleting all of said lines and inserting in lieu thereof the following:

"6. (1) A [terminated] vested member, **an administrative law judge or legal advisor as defined in section 287.812, RSMo, or a judge as defined in section 476.515, RSMo, who has terminated all employment with the state of Missouri for a period of six months or longer,** may make a one-time election for the system to pay the present value of a deferred annuity **or a benefit as defined in section 287.812, RSMo, or section 476.515, RSMo,** if the amount of [the] **such** terminated member's **or person's** creditable service is less than ten years, and if [the] **such** terminated [member] **member's or person's creditable service is less than ten years and if such terminated member or person** is not within five years of eligibility for receiving an annuity **or benefit. Any such member, administrative law judge, legal advisor or judge who terminates employment on or after August 28, 1997, shall be eligible for the one-time election provided for in this subsection only if the present value of the deferred annuity does not exceed ten thousand dollars.** The present value shall be actuarially determined by the system. Except as provided in subdivision (2) of this subsection, any payment so made shall be a complete discharge of the existing liability of the system with respect to [the] **such** terminated member **or person.**

(2) Upon subsequent employment for a period of twelve consecutive months in a position covered **under a system administered** by the Missouri state employees' retirement system, the employee, **administrative law judge or judge** may elect, within ninety".

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

REFERRALS

President Pro Tem McKenna referred **HCR 12**, **HCR 4** and **HCR 10** to the Committee on Rules, Joint Rules and Resolutions.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 9**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Scott moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

At the request of Senator Scott, **SB 9**, with **SCA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 358**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 331**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 212**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 212, Page 1, Section 92.402, Line 13, by inserting immediately after the number "1997" the following:

"], **1999**"; and

Further amend page 2, line 15, by striking "], **2001**".

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 437**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Wiggins submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 357**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 32**, entitled:

An Act relating to certain health care providers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 87** and **264**, entitled:

An Act to repeal sections 64.170 and 64.205, RSMo 1994, relating to county building codes, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 259**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto twelve new sections relating to settlement of life insurance policies, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 342**, entitled:

An Act to repeal section 208.480, RSMo 1994, relating to federal reimbursement allowance, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 114**, entitled:

An Act to repeal section 92.402, RSMo Supp. 1996, relating to transportation sales taxes, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 620**, entitled:

An Act to repeal section 392.410, RSMo Supp. 1996, relating to certificate of public convenience and necessity for telecommunications service, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 352, regarding Bobby Roberts, which was adopted.

Senator Graves offered Senate Resolution No. 353, regarding the Ninety-eighth Birthday of Ada Adams, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 354, regarding Reta Riordan, Jamesport, which was adopted.

Senator Graves offered Senate Resolution No. 355, regarding Jodi Guess, Albany, which was adopted.

Senator Graves offered Senate Resolution No. 356, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wayne Freeman, Fairfax, which was adopted.

Senator Graves offered Senate Resolution No. 357, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Billy D. Mazingo, Maryville, which was adopted.

Senator Banks offered Senate Resolution No. 358, regarding the One Hundred Eightieth Anniversary of the First Baptist Church, St. Louis, which was adopted.

COMMUNICATIONS

Senator Caskey submitted the following:

March 3, 1997

Senator Harold Caskey

Chairman

Civil and Criminal Jurisprudence Committee

State Capitol Building, Room 320

Jefferson City, Missouri 65101

Dear Senator Caskey:

Thanks for your favorable consideration on SB 251 that allows for the expungement of criminal records heard in your committee on Civil and Criminal Jurisprudence on January 29, 1997 and voted do pass on February 5, 1997. Additionally, I ask for favorable consideration and request that you handle the following:

SB 111 - Allows for only the owners of record to be named as defendants in abandoned property proceedings, heard in committee January 22, 1997.

SB 93 - Allows for poor persons to file a civil suit with associated costs waived, heard in Judiciary Committee on January 22, 1997.

SB 113 - Restricts the use of redemption contracts, heard in Insurance and Housing Committee on January 29, 1997.

Sincerely,

\s\ Phil B. Curls, Sr.

Phil B. Curls, Sr.

Ninth Senatorial District

Senator Wiggins submitted the following:

March 3, 1997

Senator Harry Wiggins

State Capitol Building, Room 423

Jefferson City, Missouri 65101

Dear Senator Wiggins:

I appreciate your presentation of SJR 12 on February 17, 1997 before the Education Committee. I hope that you will continue to exercise your influence to move this legislation forward and appreciate your handling this on the floor. I know you'll do a credible job.

Thanks for your assistance and I hope to talk to you soon.

Sincerely,

\s\ Phil B. Curls, Sr.

Phil B. Curls, Sr.

Ninth Senatorial District

Senator Banks submitted the following:

March 5, 1997

Senator J. B. "Jet" Banks

State Capitol Building, Room 319

Jefferson City, Missouri 65101

Dear Senator Banks:

Thank you for agreeing to handle Senate Bill 24 that allows for health insurers to offer coverage for diabetes treatment. I'm sure you know how very important this legislation is to me, allowing for my health. I know you will give it your best shot and am grateful for your assistance.

If any support documentation is needed to assist you in preparation for this bill, please don't hesitate to call Billie and she will provide you with whatever you need.

Sincerely,

\s\ Phil B. Curls, Sr.

Phil B. Curls, Sr.

Ninth Senatorial District

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, the Physician of the Day, Dr. Wayne Morton, Osceola.

Senator Clay introduced to the Senate, members of Youth Leadership from St. Louis.

Senator Ehlmann introduced to the Senate, Debra Keim, O'Fallon; Ann Marie Long, St. Paul; and Ben Nelson and Whitney Peterson, St. Peters.

Senator Klarich introduced to the Senate, Ed Barry, Detroit, Michigan.

Senator House introduced to the Senate, Bob, Becky, Ben and Nathan Makla, Wentzville.

Senator Banks introduced to the Senate, Chrystal Sailor, Dianne Powell, Linda Hewlett, Christine Washington and Tiffany Pool, St. Louis.

Senator Sims introduced to the Senate, sixty eighth grade students from McKinley Classical Junior Academy, St. Louis; and Michael Mingo, Matt Crawford, Elaine Chiu and Rachel Marling were made honorary pages.

Senator Kenney introduced to the Senate, Christopher Elliott, St. Louis; Mark R. Ireland, Burnsville, Minnesota; Brenton K. Lee, San Francisco, California; Ted C. Liu, Covina, California; Sarah L. McGinley, Narragansett, Rhode Island; Kyshia I. Patton, Burke, Virginia; Kimberly R. Penharlow, Barton, Vermont; Scott J. Pietan, Atlantic Beach, Florida; Smeeta Ramarathnam, Stanford, California; Abigail F. Rozen, Tiburon, California; Mora Segal, Boston, Massachusetts; and Andrew Thorp, St. Louis.

Senator Caskey introduced to the Senate, John Rice and Dick McMahon, Belton.

Senator Bentley introduced to the Senate, Sandra Mitchell, Joan H'Doubler and members of the Missouri State Medical Alliance.

Senator Klarich introduced to the Senate, Susan Blatt and Mrs. Chalk, Washington.

Senator Klarich introduced to the Senate, Chrissy Thomure and Megan White, Washington; and Corinne Svoboda, Sunset Hills.

Senator Klarich introduced to the Senate, Alissa Caldwell, Brad Hassell, Jessica Ford, Dawn Essary, Bethany Nagy and Ed and Diane Beumer, Union.

Senator Maxwell introduced to the Senate, Representative-Elect Karl DeMarce, his wife, Brenda and his father, Jim.

Senator Flotron introduced to the Senate, Gary Flotron, Ladue.

Senator Howard introduced to the Senate, Charles T. Brown, Kennett; and Ron Mattli, Poplar Bluff.

Senator Johnson introduced to the Senate, Michael Thomas and Darryl Groves, St. Joseph.

Senator Staples introduced to the Senate, Gil Kennon, Potosi.

Senator Scott introduced to the Senate, Paul Van Etten, Carl Williams and Craig Hindle, St. Louis.

Senator Graves introduced to the Senate, Ellie Bridgman Booth, Trenton.

Senator Howard introduced to the Senate, Tammy Allbrighton, Johnny R. Howe and Russell D. French, Poplar Bluff.

Senator Caskey introduced to the Senate, Kristi Kenney, Clinton; JoAnn Gretzinger, Urich; and David Walker, Clinton.

Senator Mueller introduced to the Senate, thirteen members of Focus St. Louis.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FOURTH DAY--THURSDAY, MARCH 6, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, when this session is over, take us safely home, refresh our mind and body and bring us back to this place renewed. We are thankful for Your presence with us wherever we are. Use us to do Your work. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Quick announced that photographers from St. Charles Video Production and KRCG-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--31	

Absent with leave--Senators

Curls	Klarich	Singleton--3
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RESOLUTIONS

Senator Westfall offered Senate Resolution No. 359, regarding Tom Scott, Dade County, which was adopted.

Senator Rohrbach offered Senate Resolution No. 360, regarding Dr. James E. Logan, Jefferson City, which was

adopted.

Senator Rohrbach offered Senate Resolution No. 361, regarding Neal G. LaPointe, D.O., Jefferson City, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 334**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion failed.

Senator Banks offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 334, Page 1, Section 136.055, Line 10, by striking "two" and inserting "**up to three**"; and further on line 11 by striking "two" and inserting "**up to three**"; and

Further amend said bill and section, page 2, line 14, by striking "two" and inserting "**up to three**"; and further on line 15, by striking "two" and inserting "**up to three**"; and

Further amend said bill, page and section, line 18, by inserting after "until" the following: "**January 1, 1998; up to three dollars from January 1, 1998 until**"; and further on line 18 by striking "two" and inserting "**up to three**"; and

Further amend said bill, page and section, line 22, by inserting after "dollars" the following: "**until January 1, 1998; up to three dollars from January 1, 1998 until January 1, 2000; and up to three dollars and fifty cents beginning January 1, 2000**".

Senator Banks moved that the above amendment be adopted, which motion failed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 334, Page 1, Section 136.055, Lines 10-11, by adding after "**dollars**" on line 10 the following: "and twenty-five cents"; and

Further amend same section, lines 11-12, by deleting "two dollars and fifty cents" and inserting in lieu thereof "three dollars"; and

Further amend page 2, section 136.055, line 14, by inserting after "dollars" on said line the following: "and twenty-five cents"; and

Further amend same page, same section, line 15, by deleting "two dollars and fifty cents" and inserting in lieu thereof "three dollars"; and

Further amend same page, same section, line 18, by deleting "two dollars and fifty cents" and inserting in lieu thereof "two dollars and seventy-five cents".

Senator Caskey moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 334, Page 4, Section 301.030, Line 52, by inserting immediately after all of said line the following:

"302.291. **1.** The director, having good cause to believe that an operator is incompetent or unqualified to retain his license, after giving ten days' notice to such person in writing by [registered] **certified** mail directed to his present known address, may require him to submit to an examination as prescribed by the director. Upon conclusion of the examination, the director may allow the licensee to retain his license, may suspend or revoke the license of the licensee, or may issue to the examinee a license subject to restrictions as provided in section 302.301. **If an examination indicates a condition that potentially impairs safe driving, the director, in addition to action with respect to the license, may require the licensee to submit to further periodic examinations.** The refusal or neglect of the [operator] licensee to submit to [such] **an examination within thirty days after the date of such notice** shall be [ground] **grounds** for suspension or revocation of his license by the director, an associate circuit or circuit court.

2. The examination provided for in subsection 1 of this section may include, but is not limited to, a written test and tests of driving skills, vision, highway sign recognition and mental acuity and, if appropriate, a physical and/or mental examination as provided in section 302.173.

3. The director shall have good cause to believe that an operator is incompetent or unqualified to retain his license on the basis of a report by a law enforcement officer, a physician licensed under chapter 334, RSMo, or any other person who has reached the age of eighteen. The report must state that the person reasonably and in good faith believes the driver cannot safely operate a motor vehicle. The report must be based upon personal observation or physical evidence which shall be described in the report, or the report shall be based upon an investigation by a law enforcement officer. The report shall be a written declaration in the form prescribed by the department of revenue and shall contain the name, address, telephone number, and signature of the person making the report.

4. Any physician licensed under chapter 334, RSMo, may report to the department any patient diagnosed as having a disorder or condition that may prevent such person from safely operating a motor vehicle. Such report shall state the diagnosis and whether the condition is permanent or temporary. The existence of a physician-patient relationship shall not prevent the making of a report by a physician.

5. Any person who makes a report in good faith pursuant to this section shall be immune from any civil liability that otherwise might result from making the report. Notwithstanding the provisions of chapter 610, RSMo, to the contrary, all reports made and all medical records reviewed and maintained by the department of revenue under this section shall be kept confidential except upon order of a court of competent jurisdiction or in a review of the director's action pursuant to section 302.311.

6. The department of revenue shall keep records and statistics of reports made and actions taken against driver's licenses under this section.

7. The department of revenue shall, in consultation with the medical advisory board established under section 302.292, develop a standardized form and provide guidelines for the reporting of cases and for the examination of drivers under this section. The guidelines shall be published and adopted as required for rules and regulations under chapter 536, RSMo. The department of revenue shall also adopt rules and regulations as necessary to carry out the other provisions of this section. The director of revenue shall provide health care professionals and law enforcement officers with information about the procedures authorized in this section.

8. Any person who knowingly violates a confidentiality provision of this section or who knowingly permits or encourages the unauthorized use of a report or reporting person's name in violation of this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result.

9. Any person who intentionally files a false report under this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result.

10. All appeals of license revocations, suspensions and restrictions shall be made as required under section 302.311 within thirty days after the mailing of the notice of revocation, suspension or restriction.

302.292. 1. In order to advise the director of revenue on medical criteria for the reporting and examination of drivers with medical impairments, a medical/vision advisory board is hereby established within the department of revenue. The board shall be composed of three members appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of revenue. The members of the board shall be licensed physicians and residents of this state. Of the original appointees, one shall serve for a term of two years and two shall serve for terms of four years. Subsequent appointees shall each serve for a term of four years or until their successors are appointed and approved. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the term. The members of the board shall receive no compensation for their services and shall not hire any staff personnel but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. After the first full year of operation of the advisory board, the board shall meet no more than four times per year.

2. No civil or criminal action shall lie against any member of the medical/vision advisory board of the department of revenue who acts in good faith in advising the department under the provisions of this chapter. Good faith shall be presumed on the part of members of the medical/vision advisory board in the absence of a showing of fraud or malice.

3. The department of public safety shall establish within its division of highway safety an educational program pertaining to the reporting of impaired drivers. The program shall use department of revenue licensing offices, publications and cooperation with community organizations to inform the public and health care professionals of the following:

(1) Problems involving impaired drivers on Missouri roadways;

(2) The procedures for reporting motor vehicle drivers who because of physical limitations or mental acuity are unable to operate a motor vehicle in a safe manner; and

(3) The availability of alternative transportation to persons who are unable to drive because of physical or mental disabilities.

4. The department of public safety shall adopt rules and regulations as required under chapter 536, RSMo as necessary to carry out its duties under this section.

Section B. The repeal and reenactment of sections 302.291 and 302.292 of this act shall become effective on January 1, 1998."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 3** is out of order in that the amendment goes beyond the intent and purpose of the bill.

Senator Johnson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Rohrbach offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 334, Page 4, Section 301.030, Line 52, by adding one new section after said line to read as

follows:

"Section 1. Any other provision of the law to the contrary notwithstanding no contractual provision between the department of revenue and its agents which prohibits said agent from employing a lobbyist shall be binding on said agent, and no subsequent contract shall contain such a provision."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **SB 334**, as amended, was declared perfected and ordered printed.

Senator Maxwell moved that **SB 239** and **SB 45**, with **SCS, SS** for **SCS, SA 2** and **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 2** was again taken up.

At the request of Senator Flotron, the above substitute amendment was withdrawn.

Senator Flotron offered **SSA 2** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate - Bills Nos. 239 and 45, Pages 13-14, Section 105.473, by striking all of said section and inserting in lieu thereof the following:

"105.473. Each house of the general assembly and statewide elected officials shall adopt rules or policies regarding the conditions under which its members or elected officials may accept meals, food, beverages or other gifts from a legislative lobbyist, as defined in paragraph (a) of subdivision (4) of subsection 1 of section 105.470, or such lobbyist's principal. Such rules shall allow a member or statewide elected official to reimburse such lobbyist or lobbyist principal for the actual cost of any meals, food or beverages provided to such member or statewide elected official."; and

Further amend said bill, page 15, section 105.498, line 22 of said page, by striking the following: "which exceed the limits established in"; and further amend lines 23-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 16, line 1 of said page, by striking all of said line; and further amend line 2 of said page, by striking the following: "3. Any member".

Senator Flotron moved that the above substitute amendment be adopted, which motion prevailed on a standing division vote.

Senator Howard offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate - Bills Nos. 239 and 45, Page 38, Section 105.961, Line 17, by inserting immediately after all of said line the following:

"130.037. Any candidate may file a supplemental report containing information required pursuant to section 130.041, for the purposes of this section. Candidates whose supplemental report filed within thirty days of the effective date of this act or whose report filed pursuant to subdivision 2 of subsection 1 of section 130.046 reflects outstanding obligations in excess of moneys on hand, may convert their campaign committee to a debt service committee as provided in this section. If a debt service committee is formed, the committee may accept

contributions from any person as long as the aggregate contribution from such person does not exceed the limits set, pursuant to section 130.032, for the election cycle in which the debt was incurred. A person who contributes to a debt service committee of a candidate may also contribute to the candidate's campaign committee for a succeeding election up to the amounts specified in section 130.032. The treasurer and the candidate shall terminate the debt service committee pursuant to section 130.021 when the contributions received exceeds the amount of the debt, and within thirty days the committee shall file disclosure reports pursuant to section 130.041 and shall return any excess moneys received to the contributor or contributors, if known, otherwise such moneys shall escheat to the state.

[130.037. 1. Notwithstanding other provisions of the law to the contrary, any person who was a candidate at an election held on or before November 8, 1994, may form two candidate committees if that person's candidate committee reported outstanding obligations in excess of moneys on hand on the first report submitted pursuant to section 130.041 after November 8, 1994. One such committee shall be dedicated solely to raising moneys to pay off outstanding obligations of the candidate. The committee may accept funds from the candidate committee to pay off outstanding obligations. The committee may not engage in activities in support of the candidate for which it was formed, other than activities directly related to the retirement of debt. The committee may not contribute moneys to any other committee and may not make direct expenditures on behalf of any ballot issue. It may raise funds to retire the candidate's debt under the provisions of law in effect prior to November 8, 1994, so long as those contributions are expressly made to retire outstanding debt and are applied toward retiring such debt, but otherwise the provisions of this chapter apply. The treasurer and the candidate shall terminate the committee pursuant to section 130.021 within thirty days of its payment of the outstanding debt.

2. If a candidate has formed or forms a candidate committee to raise funds for a future election, that committee may accept contributions in the amount authorized by law and may use any contributions received for any purpose lawful under this chapter, except the payment of debt incurred before November 8, 1994. Moneys in the official depository accounts of the two committees cannot be commingled.

3. The provisions of this section shall expire December 31, 1996.]"; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239 and 45, Page 15, Section 105.498, Line 15, by deleting the "]" following the word "Senate."; and

Further amend said bill, Section 105.498, Page 15, Line 20, by inserting immediately following the word "years." a "]""; and by removing all brackets and bold face material in lines 15-20.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Maxwell, **SB 239** and **SB 45**, with **SCS** and **SS** for **SCS**, as amended (pending), were placed on the Informal Calendar.

Senator Caskey moved that **SB 265**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 265** was again taken up.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 265, Page 4, Section 404.710, Line 11, by striking the word **"expressly"**; and

Further amend said bill, Page 4, Section 404.710, Lines 18-22, by striking all of said lines and inserting in lieu thereof the following: **"section. When a power of attorney grants general powers to an attorney in fact to act with respect to all lawful subjects and purposes, the enumeration of one or more specific subjects or purposes does not limit the general authority granted by that power of attorney, unless otherwise provided in the power of attorney."**; and

Further amend said bill, Page 5, Section 404.710, Line 59, by inserting immediately after the word **"interest."** the following: **"No such indemnity agreement shall protect any third person from any liability, claims or expenses incurred by reason of the fact that, and to the extent that, the third person has honored the power of attorney for actions outside the scope of authority granted by the power of attorney."**; and

Further amend said bill, Page 6, Section 404.710, Line 68, by inserting immediately after the word **"limitation."** the following: **"No such supplemental or additional power of attorney shall broaden the scope of authority granted to the attorney in fact in the original power of attorney executed by the principal."**; and

Further amend said bill, Page 6, Section 404.710, Lines 91-96, by striking all of said lines and inserting in lieu thereof the following: **"property or in property in which the principal may have an interest; provided, however, that the inclusion of the authority set out in this paragraph shall not be necessary in order to grant to an attorney in fact acting under a power of attorney granting general powers with respect to all lawful subjects and purposes the authority to withdraw funds or other property from any account, contract or other similar arrangement held in the names of the principal and one or more other persons with any financial institution, brokerage company or other depository to the same extent that the principal would be authorized to do if the principal were present, not disabled or incapacitated, and seeking to act in the principal's own behalf;"**; and

Further amend said bill, Page 16, Section 404.723, Line 35, by inserting immediately after all of said line the following: **"None of the actions described in this subsection shall be taken by the court until after hearing upon reasonable notice to all persons identified in a verified statement supplied by the petitioner who is requesting such action identifying the immediate relatives of the principal and any other persons known to the petitioner to be interested in the welfare of the principal; except that in the event of an emergency as determined by the court, the court may, without notice, enter such temporary order as seems proper to the court, but no such temporary order shall be effective for more than thirty days unless extended by the court after hearing on reasonable notice to the persons identified as herein provided."**; and

Further amend said bill, Page 18, Section 404.727, Line 66, by inserting immediately after all of said line the following: **"None of the actions described in this subsection shall be taken by the court until after hearing upon reasonable notice to all persons identified in a verified statement supplied by the petitioner who is requesting such action identifying the immediate relatives of the principal and any other persons known to the petitioner to be interested in the welfare of the principal; except that in the event of an emergency as determined by the court, the court may, without notice, enter such temporary order as seems proper to the court, but no such temporary order shall be effective for more than thirty days unless extended by the court after hearing on reasonable notice to the persons identified as herein provided."**.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SCS for SB 265**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS for SB 265**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 379**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 381**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 218**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 424**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Schneider, Chairman of the Committee on Judiciary, Senator Caskey submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 249**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Caskey requested unanimous consent of the Senate to place **SB 249** on the Consent Calendar, subject to the review of the Senate Committee on Rules, Joint Rules and Resolutions, which request was granted.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 459**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 398**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 468**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 187**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 187, Page 2, Section 168.021, Lines 18 and 19, by striking the following: "pursuant to rules and regulations prescribed by it,"; and further amend line 22 by striking the word "three" and inserting in lieu thereof the word "**five**".

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Robert L. Abernathy, Neal A. Gibbons, Sam K. Carter, William H. Creech, III and Donald L. Shaikewitz, as members of the Board of Trustees for the Petroleum Storage Tank Insurance Fund;

Also,

Daniel J. "Duke" McVey and Charles P. Swisher, as members of the Children's Trust Fund Board;

Also,

Thomas M. Gialde, as a member of the Board of Pharmacy;

Also,

Kennard O. Whitfield, as a member of the Seismic Safety Commission;

Also,

Norman J. Tice, as a member of the Bi-State Development Agency;

Also,

John D. Havens, as the Adjutant General;

Also,

Doyle L. Privett and Donald L. Harrison, as members of the Southeast Missouri State University Board of Regents;

Also,

Kala M. Stroup, as a member of the Missouri Training and Employment Council.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 345**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 327**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 360**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 360, Page 50, Section 6, Lines 1 and 2, by striking the following: "any city not within a county or"; and further amend line 2, by inserting immediately after the word "city" the following: "**located in more than one county**"; and further amend line 3, by striking the following: "or any first class county containing any part of such city"; and further amend line 10, by striking the following: "any city not within a county or"; and further amend line 10, by inserting at the end of said line the following: "**located in more than one county**"; and further amend lines 11 and 12, by striking the following: "or any first class county containing any part of such city".

CONCURRENT RESOLUTIONS

Senator Graves offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 20

WHEREAS, the Missouri Highways and Transportation Department, in 1987, identified a detailed list of projects for the enhancement of Missouri's bridge and highway system in the belief that previous attempts to increase funding had failed due to lack of specificity; and

WHEREAS, Proposition A, which increased the gas tax by four cents, was approved by the voters in order to fund completion of these projects by the year 2002; and

WHEREAS, the Missouri Highways and Transportation Department, in 1992, identified an additional detailed list of projects, known as the 15 Year Road and Bridge Program, providing four lane highway linkage for every community in Missouri with a population of at least 5,000 as an investment in the competitive potential of Missouri's agriculture, tourism and manufacturing base; providing for the reduction of accidents in Missouri with the goal of saving 6,700 lives, avoiding 265,000 injuries, and bringing about a fifty percent total reduction in accidents; and providing for the acceleration of Proposition A projects with completion scheduled for 1998; and

WHEREAS, House Bill No. 1247, which increased the gas tax by an additional six cents, was approved by the Legislature in order to fund the additional detailed list of projects and the acceleration of Proposition A; and

WHEREAS, in 1996, the name of the Missouri Highways and Transportation Department was changed to the Missouri Department of Transportation (MoDOT); and

WHEREAS, MoDOT has subsequently reported that gas tax revenues dedicated toward publicly specified bridge and highway system enhancements are no longer available or sufficient to complete Proposition A on schedule; and

WHEREAS, the six cent gasoline tax approved by the Legislature in 1992 to fund the 15 Year Road and Bridge Program will expire in the year 2007; and

WHEREAS, recent calculations by the Federal Highway Administration indicate that Federal-Aid Highway Funding for Missouri has matched or exceeded expectations for the period of 1992-1997; and

WHEREAS, MoDOT has also reported that the completion of the publicly specified list of projects constituting the 15 Year Road and Bridge Program is no longer feasible and priorities must be reassessed; and

WHEREAS, public confidence requires a full and accurate accounting by MoDOT before public commitments used for the approval of prior gas tax increases are abandoned or modified:

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Eighty-ninth General Assembly, the House of Representatives concurring therein, that the Committee on Legislative Research, Oversight Division, be directed to reconcile the original cost projections, construction schedules, and projected gas tax revenues as submitted to voters by Proposition A, with current projections, schedules, and anticipated receipts to identify all material shortfalls, diversions of dedicated resources and changes to construction specifications, including operating and overhead expenses, that have contributed to MoDOT's failure to complete Proposition A as promised; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Oversight Division, also be directed to reconcile the original cost projections, construction schedules, and projected gas tax revenues as submitted to the Legislature by the 15 Year Road and Bridge Program, with current projections, schedules, and anticipated receipts to identify all material shortfalls, diversions of dedicated resources and changes to construction specifications, including operating and overhead expenses, that have contributed to MoDOT's failure to act on the 15 Year Road and Bridge Program as promised; and

BE IT FURTHER RESOLVED that the Attorney General be requested to render an opinion as to whether the six cent gas tax associated with the 15 Year Road and Bridge Program can be continued beyond the year 2007 without a vote of the public; and

BE IT FURTHER RESOLVED that MoDOT be directed to submit draft legislation to codify auditing, administrative control and reform measures to improve its financial planning, the integrity of its project cost estimates, and its expenditure of public funds; and

BE IT FURTHER RESOLVED that MoDOT be directed to submit plans for the acceleration of its Short Term Action Plan by \$500 million in 1997 and 1998 through curtailed diversions of highway user fees and the dedication of additional MoDOT operational savings as the first step toward completion of Proposition A and the restoration of public confidence; and

BE IT FURTHER RESOLVED that MoDOT be directed to submit plans for a local planning process along rural corridor projects as proposed in the 15 Year Road and Bridge Program that reconciles the need for coordinating and planning over an extended geographical area with the need for local participation in order to build upon and expand MoDOT's success in developing a partnership with the St. Louis and Kansas City Regional Planning Commissions; and

BE IT FURTHER RESOLVED that any extensions, changes or shifts in priorities of the publicly approved fifteen-year plan shall be approved by the General Assembly.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 1**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article IX of the Constitution of Missouri, relating to education and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 11**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the Constitution of Missouri, relating to joint municipal utility commission revenue bonds, and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 538**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the challenge scholarship program for higher education, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 362, regarding the death of T. Michael Lillis, Kansas City, which was adopted.

Senator Graves offered Senate Resolution No. 363, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wade Steele, Maryville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, Jim Casey, Jefferson City.

Senator Bentley introduced to the Senate, Johanna Perkins, Robert Vaughn, Charles Ransom, Chris Presley and Lee Turman, Springfield; and Johanna, Robert and Charles were made honorary pages.

Senator Caskey introduced to the Senate, Robin Bledsoe, and fourteen eighth grade students from Harrisonville Christian School, Harrisonville; and Jacob Richmond, Joel Osborn, Lyndsy Hedrick and Jamie Parris were made honorary pages.

Senator Schneider introduced to the Senate, Elizabeth Eisleben, and students from Wedgewood Elementary School, Florissant; and Alison Stroop, Rita Hunt, Alex Merchant and Kristina Hawley were made honorary pages.

Senator Graves introduced to the Senate, the Physician of the Day, Dr. James Humphrey, Mound City.

Senator Caskey introduced to the Senate, Dianna Stephan, Judy Tingley, Pam McCanle, Mrs. Eldred, and one hundred fourth grade students from Butler Public Schools, Butler; and Jeremy Culler, Lyssa Thompson, Tabatha Fleury, Jerret Reno, Katie Quayle, Erick Head, Kassie Barton and Andrew Hamm were made honorary pages.

On motion of Senator Quick, the Senate adjourned until 10:00 a.m., Wednesday, March 12, 1997.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIFTH DAY--WEDNESDAY, MARCH 12, 1997

The Senate met pursuant to adjournment.

Senator Quick in the Chair.

RESOLUTIONS

On behalf of Senator Scott, Senator Quick offered Senate Resolution No. 364, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert M. Roy, St. Louis, which was adopted.

On behalf of Senator Singleton, Senator Quick offered Senate Resolution No. 365, regarding Ina Mae Brooks, Lamar, which was adopted.

On behalf of Senator Johnson, Senator Quick offered Senate Resolution No. 366, regarding Jereme Blankenship, Platte County High School, which was adopted.

On behalf of Senator Goode, Senator Quick offered Senate Resolution No. 367, regarding George M. "Jerry" Corcoran, St. Louis County, which was adopted.

On behalf of Senator Goode, Senator Quick offered Senate Resolution No. 368, regarding Gertrude M. Pate, St. Louis, which was adopted.

On behalf of Senator Sims, Senator Quick offered Senate Resolution No. 369, regarding Ralph E. Turney, St. Louis, which was adopted.

On behalf of Senator Sims, Senator Quick offered Senate Resolution No. 370, regarding Ted L. Smith, St. Louis County, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 371, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Alvin Mullins, Oregon, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 372, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Glenn Everman, Cameron, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 373, regarding Glen Kaiser, Carrollton, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 374, regarding John Quinn, Chillicothe, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 375, regarding George W. Quinn, Chillicothe, which was adopted.

On behalf of Senator Sims, Senator Quick offered Senate Resolution No. 376, regarding Sherri Ulbrich, which was adopted.

On behalf of Senator McKenna, Senator Quick offered Senate Resolution No. 377, regarding the Fiftieth Wedding

Anniversary of Mr. and Mrs. Charles Leonard Donnelly, Maxville, which was adopted.

Senator Quick offered Senate Resolution No. 378, regarding George Cascone, Kansas City, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 1997

TO THE SENATE OF THE 89TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary Louise Bussabarger, 1914 Princeton Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Family Trust Board of Trustees, for a term ending December 7, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 1997

TO THE SENATE OF THE 89TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dallas G. Dickens, 129 Pershing, Post Office Box 135, Branson, Taney County, Missouri 65615, as a member of the Missouri Family Trust Board of Trustees, for a term ending December 7, 1997, and until his successor is duly appointed and qualified; vice, Lawrence M. Aaron, Jr., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 23**.

HOUSE CONCURRENT RESOLUTION NO. 23

WHEREAS, the United States Environmental Protection Agency (EPA) has a responsibility under the federal Clean Air Act to review periodically the National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter (PM); and

WHEREAS, the EPA is considering changes to both NAAQS, which include tightening of the ozone standard and adding a separate standard for particulate matter smaller than two and one-half microns in size (PM 2.5) in addition to the existing standard for particulate matter smaller than ten microns in size (PM 10); and

WHEREAS, states, through their citizens, legislative bodies and regulatory agencies, have worked hard to reduce air pollution and meet clean air requirements; and

WHEREAS, tightened standards could significantly expand the number of nonattainment areas for both standards and result in emissions controls in additional areas, thus imposing significant economic, administrative and regulatory burdens on more citizens, businesses and local governments; and

WHEREAS, there is very little monitoring data for PM 2.5; and

WHEREAS, current research indicates that there are many unanswered questions and uncertainties on the PM issue and the need for a more stringent standard, including divergent opinions among scientists who have investigated this issue; and

WHEREAS, there is considerable uncertainty about the scientific validity of the theories, data, and conclusions upon which the proposed NAAQS are based and the cost and feasibility of complying with them; and

WHEREAS, the EPA's own scientific advisor, the Clean Air Science Advisory Committee (CASAC) has recommended that the EPA proceed cautiously and improve the existing state of scientific knowledge before taking costly steps to further control ozone and fine particle emissions:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby advise and strongly urge the EPA to retain the existing NAAQS for ozone; and

BE IT FURTHER RESOLVED that the Missouri General Assembly further advises and strongly urges the EPA to reaffirm the existing PM 10 standard and conduct the additional PM 2.5 monitoring and scientific research needed to address the issue of causality and other important unanswered questions before a proposal for a new PM 2.5 standard or a revised PM 10 standard is made; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the EPA to delay its current consideration of the PM 2.5 standard until more information, including sound science and cost-effective data, is available; and

BE IT FURTHER RESOLVED that the General Assembly urges the EPA to identify any unfunded mandates or other administrative and economic burdens for state or local governments or agencies that would derive from changes to the NAAQS for ozone and particulate matter; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Missouri Congressional delegation, the Administrator of the United States Environmental Protection Agency, and the Director of the Missouri Department of Natural Resources.

In which the concurrence of the Senate is respectfully requested.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

February 27, 1997

Senator Wayne Goode

Missouri Senate

State Capitol, Room 334

Jefferson City, MO 65101

Dear Wayne:

Please be advised that I have appointed you a member of the Oversight Committee Capital Improvement ADA Compliance, Section 19.010.

If you have any questions or concerns please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

February 27, 1997

Senator Harold Caskey

Missouri Senate

State Capitol Room 320

Jefferson City, MO 65101

Dear Senator Caskey:

Please be advised that I have appointed you a member of the Children's Trust Fund, 210.170 RSMo. 1986.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 3, 1997

The Honorable John Russell

Missouri Senate

Capitol Building, Room 419

Jefferson City, MO 65101

Dear Senator Russell:

Please be advised that I have appointed you as a member of the Multi Tax Compact Advisory Committee Section 32.250 RSMo.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 3, 1997

The Honorable Ed Quick

Missouri Senate

Capitol Building, Room 331A

Jefferson City, MO 65101

Dear Senator Quick:

Please be advised that I am appointing you a member of the Missouri Job Training Legislative Oversight Committee Section 620.481 RSMo.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 3, 1997

The Honorable Walt Mueller

Missouri Senate

Capitol Building, Room 330

Jefferson City, MO 65101

Dear Senator Mueller:

Please be advised that I am appointing you a member of the Missouri Job Training Legislative Oversight Committee Section 620.481 RSMo.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 3, 1997

The Honorable Joe Maxwell

Capitol Building, Room 334

Jefferson City, MO 65101

Dear Senator Maxwell:

Please be advised that I am appointing you a member of the Emergency Response Commission Section 292.602 RSMo.

If I can be of assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 3, 1997

Senator James Mathewson

Missouri Senate

Capitol Building Room 323

Jefferson City, MO 65101

Dear James:

Please be advised that I am appointing you a member of the Missouri Technology Corporation Section 348.251 RSMo.

If I can be of assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 3, 1997

Senator Peter Kinder

Missouri Senate

Capitol Building Room 431

Jefferson City, MO 65101

Dear Peter:

Please be advised that I am appointing you a member of the Missouri Health Facilities Review Board Section 197.310.

If I can be of assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 3, 1997

The Honorable Peter Kinder

Missouri Senate

Capitol Building Room 431

Jefferson City, MO 65101

Dear Senator Kinder:

Please be advised that I have appointed you a member of the Commission on Judicial Resources, Section 476.415 RSMo.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 3, 1997

The Honorable Wayne Goode

Missouri Senate

Capitol Building, Room 334

Jefferson City, MO 65101

Dear Senator Goode:

Please be advised that I am appointing you a member of the Emergency Response Commission Section 292.602 RSMo.

If I can be of assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 3, 1997

The Honorable Wayne Goode

Missouri Senate

Capitol Building, Room 334

Jefferson City, MO 65101

Dear Senator Goode:

Please be advised that I have re-appointed you a member of the Commission on Management and Productivity, Executive Order 95.03 (COMAP).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 3, 1997

The Honorable Steve Ehlmann

Missouri Senate

Capitol Building, Room 434

Jefferson City, MO 65101

Dear Steve:

Please be advised that I have appointed you a member of the Film Commission Section 620.1200 RSMo.

If I can be of assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 3, 1997

Senator Ronnie DePasco

Missouri Senate

Capitol Building, Room 321

Jefferson City, MO 65101

Dear Ronnie:

Please be advised that I have appointed you a member of the Film Commission Section 620.1200 RSMo.

If I can be of assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable Harold Caskey

Missouri Senate

Capitol Building, Room 320

Jefferson City, MO 65101

Dear Harold:

Please be advised that I have appointed you a member of the Commission on Performance Section 165.010 RSMo.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable Steve Ehlmann

Missouri Senate

Capitol Building, Room 434

Jefferson City, MO 65101

Dear Steve:

Please be advised that I have appointed you a member of the Commission on Performance Section 165.010 RSMo.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable Mike Lybyer

Missouri Senate

Capitol Building, Room 333

Jefferson City, MO 65101

Dear Mike:

Please be advised that as the Chairman of the Appropriations Committee I am appointing you a member of the Joint Legislative Committee on Court Automation 476.055.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable Steve Ehlmann

Missouri Senate

Capitol Building, Room 434

Jefferson City, MO 65101

Dear Steve:

Please be advised that as the Minority Floor Leader I am appointing you a member of the Joint Legislative Committee on Court Automation 476.055.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable John Schneider

Missouri Senate

Capitol Building, Room 422

Jefferson City, MO 65101

Dear John:

Please be advised that as the Chairman of the Judiciary Committee I am appointing you a member of the Joint Legislative Committee on Court Automation 476.055.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable David Klarich

Missouri Senate

Capitol Building, Room 427

Jefferson City, MO 65101

Dear David:

Please be advised that I am appointing you a member of the Video Instructional Development and Education Opportunity Advisory Committee.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable Ted House

Missouri Senate

Capitol Building, Room 227

Jefferson City, MO 65101

Dear Ted:

Please be advised that I am appointing you a member of the Video Instructional Development and Education Opportunity Advisory Committee.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable Sam Graves

Missouri Senate

Capitol Building, Room 225

Jefferson City, MO 65101

Dear Sam:

Please be advised that I have appointed you a member of the Missouri Ethanol and Other Renewable Fuel Sources Committee Section 414.420 RSMo Supp. 1993.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable Ken Jacob

Missouri Senate

Capitol Building, Room 420A

Jefferson City, MO 65101

Dear Ken:

Please be advised that I have appointed you a member of the Missouri Assistive Technology Advisory Council Section 191.853.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable Sidney Johnson

Missouri Senate

Capitol Building, Room 332

Jefferson City, MO 65101

Dear Senator Johnson:

Please be advised that I am appointing you a member of the State Records Commission Section 109.250 RSMo.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable Joe Maxwell

Missouri Senate

Capitol Building Room 219

Jefferson City, MO 65101

Dear Senator Maxwell:

Please be advised that I am appointing you a member of The Mississippi River Parkway Commission Section 226.440.

The commission was established to aid in the promotion and securement of federal parks and a scenic parkway and highway for the state of Missouri along the Mississippi River.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable Anita Yeckel

Missouri Senate

Capitol Building Room 329

Jefferson City, MO 65101

Dear Senator Yeckel:

Please be advised that I am appointing you a member of The Mississippi River Parkway Commission Section 226.440.

The commission was established to aid in the promotion and securement of federal parks and a scenic parkway and highway for the state of Missouri along the Mississippi River.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable Joe Maxwell

Missouri Senate

Capitol Building, Room 219

Jefferson City, MO 65101

Dear Joe:

Please be advised that I have appointed you a member of the Linked Deposits Review Committee Section 30.763 RSMo.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable John Russell

Missouri Senate

Capitol Building, Room 419

Jefferson City, MO 65101

Dear John:

Please be advised that I have appointed you a member of the Missouri State Employees Retirement System Board of Trustees Section 104.450 RSMo.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable John Scott

Missouri Senate

Capitol Building, Room 416

Jefferson City, MO 65101

Dear John:

Please be advised that I have appointed you a member of the Missouri State Employees Retirement System Board of Trustees Section 104.450 RSMo. If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

March 4, 1997

The Honorable John Scott

Missouri Senate

Capitol Building Room 416

Jefferson City, MO 65101

Dear Senator Scott:

Please be advised that I am appointing you a member of the Transportation Development Commission Section 622.055 RSMo.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, March 17, 1997.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SIXTH DAY--MONDAY, MARCH 17, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, on a day when everyone honors the Irish, we give thanks for the different cultures represented in our country. We are thankful to live in a place where it is all right to be different, where all races, creeds and religions are welcome, where we are all brothers and sisters. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 6, 1997, and Wednesday, March 12, 1997, were read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--Curls--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 379, regarding the Seventy-Fifth Anniversary of the Thurman Funeral Home, which was adopted.

Senator Johnson offered Senate Resolution No. 380, regarding the Ninetieth Birthday of Mr. Harold M. Slater, St. Joseph, which was adopted.

Senator Graves offered Senate Resolution No. 381, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Darold Booth, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 382, regarding Jason M. Schuster, Maryville, which was adopted.

Senator Mueller offered Senate Resolution No. 383, regarding Brian Eliot Smith, St. Louis, which was adopted.

Senator Staples offered Senate Resolution No. 384, regarding Colonel (Promotable) John H. Schamburg, which was adopted.

Senator Rohrbach offered Senate Resolution No. 385, regarding Mr. Ken Babcock, which was adopted.

Senator Rohrbach offered Senate Resolution No. 386, regarding Mr. Gene Hammond, Weaubleau, which was adopted.

Senator Ehlmann offered Senate Resolution No. 387, regarding Beverly Sue Wehde, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 388, regarding Sam and Jan Orlando, which was adopted.

Senator Howard offered Senate Resolution No. 389, regarding the One Hundred Third Birthday of Mr. Clarence G. Couch, Matthews, which was adopted.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

THIRD READING OF SENATE BILLS

SB 347, introduced by Senators Banks and Curls, entitled:

An Act to repeal section 191.677, RSMo 1994, relating to health and welfare, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Banks.

On motion of Senator Banks, **SB 347** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Kinder--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 112, with **SCA 1**, introduced by Senator Curls, entitled:

An Act to repeal sections 89.100 and 89.110, RSMo 1994, relating to appeals from boards of zoning adjustment, and to enact two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

SCA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **SB 112**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Kinder--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 318, introduced by Senator Kenney, entitled:

An Act relating to the authorization of the conveyance of certain lands by the department of mental health in Jackson County.

Was called from the Consent Calendar and taken up.

On motion of Senator Kenney, **SB 318** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Kinder--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SB 387, introduced by Senator Schneider, entitled:

An Act to repeal section 528.600, RSMo 1994, relating to the sale of certain property, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Schneider, **SB 387** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--Howard--1

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 264** be taken up for perfection, which motion prevailed.

At the request of Senator Caskey, **SB 264** was placed on the Informal Calendar.

Senator Howard moved that **SB 380**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 380**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 380

An Act to repeal section 630.003, RSMo 1994, relating to the state mental health commission, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

Was taken up.

Senator Howard moved that **SCS** for **SB 380** be adopted.

Senator Howard offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 380, Page 1, Section 630.003, Line 11, by inserting immediately after the word "**purpose.**" the following: "**The one full-time employee position shall be transferred to the commission from the department. The position transferred should be the equivalent of a designated principal assistant.**".

Senator Howard moved that the above amendment be adopted.

At the request of Senator Howard, **SB 380**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Caskey moved that **SB 361** be taken up for perfection, which motion prevailed.

At the request of Senator Caskey, **SB 361** was placed on the Informal Calendar.

At the request of Senator Wiggins, **SB 406**, **SB 418**, **SB 339**, **SB 12**, **SB 7**, **SB 110**, **SB 156** and **SB 35**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Maxwell, **SB 202**, **SB 23** and **SB 183**, with **SCS**, were placed on the Informal Calendar.

Senator Caskey moved that **SB 367** be taken up for perfection, which motion prevailed.

Senator Caskey offered **SS** for **SB 367**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 367

An Act to repeal section 217.705, RSMo 1994, and sections 565.084 and 571.030, RSMo Supp. 1996, relating to probation and parole officers, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Senator Caskey moved that **SS** for **SB 367** be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **SB 367** was declared perfected and ordered printed.

Senator House moved that **SB 258** and **SB 228**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 258** and **228**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 258 and 228

An Act to repeal sections 67.400, 67.455, 67.457, 67.459 and 67.461, RSMo Supp. 1996, relating to certain political subdivisions, and to enact in lieu thereof nine new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **SBs 258** and **228** be adopted.

Senator Mathewson assumed the Chair.

At the request of Senator House, **SB 258** and **SB 228**, with **SCS** (pending), were placed on the Informal Calendar.

Senator Banks moved that **SB 140**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 140**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 140

An Act to repeal sections 303.024, 303.025, 303.026 and 303.030, RSMo 1994, relating to financial responsibility for motor vehicles, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Banks moved that **SCS for SB 140** be adopted.

Senator Goode offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 140, Page 1, In the Title, Line 5, by inserting immediately after the word "provisions" the following: "and an effective date"; and

Further amend said bill, page 7, section 303.030, line 70, by inserting immediately after said line the following:

"Section B. The provisions of this act shall become effective on January 1, 1998.".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 140, Page 7, Section 303.030, Line 70, by inserting immediately after said line the following:

"303.043. Whenever a suspension is imposed under section 303.041, [the following] **a reinstatement [fees] fee of twenty dollars** shall be paid **before the license may be reinstated**. [prior to the end of the period of suspension provided in subsection 2 of section 303.042, and in the event such reinstatement fees are not paid the period of suspension shall be extended until such fees have been paid:

- (1) If the person's driving record shows no prior failure to maintain the required financial responsibility as provided for in section 303.025, the reinstatement fee shall be two hundred dollars;
- (2) If the person's driving record shows one prior suspension for failure to maintain the required financial responsibility as provided for in section 303.025, the reinstatement fee shall be four hundred dollars;
- (3) If the person's driving record shows two or more prior suspensions for failure to maintain the required financial responsibility as provided for in section 303.025, the reinstatement fee shall be eight hundred dollars.]; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 140, Pages 3-5, Section 303.026, Lines 1-47, by striking all

of said lines and inserting in lieu thereof the following:

"303.026. 1. The director shall inform each owner who registers a motor vehicle of the following:

(1) The existence of the requirement that every motor vehicle owner in the state **must** maintain his financial responsibility;

(2) The existence of the requirement that every motor vehicle owner provide proof of financial responsibility at the time of registering a vehicle by presenting:

(a) An insurance identification card or a copy thereof;

(b) An insurance policy, certificate of insurance, insurance binder or a copy thereof;

(c) Written certification from an insurance company, insurance agent or insurance broker confirming that the motor vehicle owner maintains financial responsibility for such vehicle at the time of registration;

(d) A certificate of deposit of money or securities as provided in section 303.240; or

(e) A certificate of self-insurance as provided in section 303.220;

(3) The requirement that every motor vehicle owner or operator whose liability insurance is cancelled shall notify the director of revenue and file evidence of current liability insurance within fourteen days;

[(2)] **(4) The penalties which apply to violations of the requirement to maintain financial responsibility;**

[(3)] **(5) The benefits of maintaining coverages in excess of those which are required;**

[(4)] **(6) The director's authority to conduct samples of Missouri motor vehicle owners to insure compliance.**

2. No motor vehicle owner shall be issued registration for a vehicle unless the owner, or his authorized agent, signs [a statement] **an affidavit** provided by the director of revenue at the time of registration of the vehicle certifying that such owner has and will maintain, during the period of registration, financial responsibility with respect to each motor vehicle that is owned, licensed or operated on the streets or highways. **The affidavit need not be notarized, but it shall be acknowledged by the person processing the form. The affidavit shall state clearly and in bold print the following: "Any false affidavit is a crime under section 575.050 of Missouri law." In addition, every motor vehicle owner shall show proof of such financial responsibility by presenting one of the following at the time of registration, unless such owner registers his vehicle in conjunction with a reciprocity agreement entered into by the Missouri highway reciprocity commission pursuant to sections 301.271 to 301.279, RSMo, or unless the owner insures the vehicle according to the requirements of the division of motor carrier and railroad safety pursuant to section 390.126, RSMo:**

(1) An insurance identification card or a copy thereof;

(2) An insurance policy, certificate of insurance, insurance binder or copy thereof;

(3) Written certification from an insurance company, insurance agent or insurance broker confirming that the motor vehicle owner maintains financial responsibility for such vehicle at the time of registration;

(4) A certificate of deposit of money or securities as provided in section 303.240;

(5) A certificate of self-insurance as provided in section 303.240; or

(6) Some other proof of financial responsibility in the form prescribed by the director of revenue.

3. The director shall annually select for financial responsibility verification, a sample of the motor vehicle

registrations or licenses which is statistically significant to determine the number of insured motorists in the state of Missouri, or to insure compliance. The director may utilize a variety of sampling techniques including but not limited to the processing of uniform traffic tickets, point system warning letters, and random surveys of motor vehicle registrations. **The director of revenue may verify the financial responsibility of any person reported under section 303.040.**

4. Upon determination that the information provided by the owner or authorized agent is inaccurate, the director shall notify the owner of the need to provide, within thirty days, information establishing the existence of the required financial responsibility as of the date of such notice. Failure to provide such information shall result in the suspension of all registrations of the owner's motor vehicles failing to meet such requirements, as is provided in section 303.041.

5. Any motor vehicle owner or operator who has his or her motor vehicle liability insurance cancelled for any reason shall notify the director of revenue of the cancellation within fourteen days and file current evidence of financial responsibility as required in this section. Any violation of this subsection shall constitute an infraction."; and

Further amend said bill, page 7, section 303.030, line 70, by inserting immediately after said line the following:

"379.118. 1. If any insurer proposes to cancel or to refuse to renew a policy of automobile insurance delivered or issued for delivery in this state except at the request of the named insured or for nonpayment of premium, it shall, on or before thirty days prior to the proposed effective date of the action, send written notice by certificate of mailing of its intended action to the named insured at his last known address. The notice shall state:

(1) The proposed action to be taken;

(2) The proposed effective date of the action;

(3) The insurer's actual reason for proposing to take such action, the statement of reason to be sufficiently clear and specific so that a person of average intelligence can identify the basis for the insurer's decision without further inquiry. Generalized terms such as "personal habits", "living conditions", "poor morals", or "violation or accident record" shall not suffice to meet the requirements of this subdivision;

(4) That the insured may be eligible for insurance through the assigned risk plan if his insurance is to be canceled[.]; and

(5) In the case of liability insurance coverage, that the insured is required by law to notify the director of revenue of the cancellation within fourteen days and file evidence of current liability insurance as required under chapter 303, RSMo.

2. An insurer shall send an insured written notice of an automobile policy renewal at least fifteen days prior to the effective date of the new policy. The notice shall be sent by first class mail and shall contain the insured's name, the vehicle covered, the total premium amount, and the effective date of the new policy."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

At the request of Senator Banks, **SB 140**, with **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marie A. Collins, P.E., 12410 Glennoble Drive, Maryland Heights, St. Louis County, Missouri 63043, as a member of the Seismic Safety Commission, for a term ending August 11, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William L. Durbin, 600 Claymont Estates Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Seismic Safety Commission, for a term ending August 11, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Phillip L. Gould, 102 Lake Forest, Richmond Heights, St. Louis County, Missouri 63117, as a member of the Seismic Safety Commission, for a term ending August 11, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert B. Herrmann, 1469 Oak Bluff Lane, St. Louis, St. Louis County, Missouri 63122, as a member of the Seismic Safety Commission, for a term ending August 11, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Julie M. March, 1031 S. Fremont, Springfield, Greene County, Missouri 65804, as a member of the Missouri Historical Records Advisory Board, for a term ending November 1, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rosa L. Miller, 611 E. 64th Terrace, Kansas City, Jackson County, Missouri 64131, as a member of the Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Harold L. Poynter, III, 1205 West Crestview, Maryville, Nodaway County, Missouri 64468, as a member of the State Board of Optometry, for a term ending June 30, 2001, and until his successor is duly appointed and qualified; vice, James E. Bureman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marilyn A. Roberts, 4303 Watertown Place, Columbia, Boone County, Missouri 65203, as a member of the Seismic Safety Commission, for a term ending August 11, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas R. Schwetye, 801 Sudbury Drive, Clayton, St. Louis County, Missouri 63105, as a member of the Seismic Safety Commission, for a term ending August 11, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeannette A. Wessel, 1400 Marlann Drive, St. Louis, St. Louis County, Missouri 63131, as a member of the Missouri Historical Records Advisory Board, for a term ending November 1, 1999, and until her successor is duly appointed and qualified; vice, Diana L. Duff, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nathan R. Williams, 2308 Blue Ridge Road, Columbia, Boone County, Missouri 65202, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full

term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments and the appointments appearing on pages 386 and 387 of the Senate Journal for Wednesday, March 12, 1997, to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem McKenna referred **SCR 20** and **HCR 23** to the Committee on Rules, Joint Rules and Resolutions.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 589**, entitled:

An Act to repeal sections 99.340, 99.805, 99.810, 99.820, 99.825, 99.830, 99.835, 99.845 and 99.865, RSMo 1994, relating to real property tax increment allocation redevelopment, and to enact in lieu thereof ten new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Clay offered Senate Resolution No. 390, regarding Mrs. Gertrude Pate, which was adopted.

Senator Mathewson offered Senate Resolution No. 391, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eldred Bredehoeft, Concordia, which was adopted.

Senator Mathewson offered Senate Resolution No. 392, regarding Eldon L. Kreisel, Hughesville, which was adopted.

COMMUNICATIONS

Senator Mathewson submitted the following:

March 5, 1997

Senator James Mathewson

Chairman

Local Government & Economic Development

State Capitol Building, Room 323

Jefferson City, MO 65101

Dear Senator Mathewson:

Senate Bill 112 heard in your committee on January 28, 1997, allows for associations to appeal decisions by boards of zoning adjustment. This bill

was passed out of your committee consent on February 19, 1997. Would you consider handling this legislation when it comes to the floor? Any assistance you can give me would be greatly appreciated.

Thanking you in advance.

Sincerely,

/s/ Phil B. Curls, Sr.

Phil B. Curls, Sr.

Ninth Senatorial District

INTRODUCTIONS OF GUESTS

Senator Singleton introduced to the Senate, Jim Link, professor; Sammy Singleton, Darrell Allen, Dara Branham, Jennifer Johnson, Stephanie Thomas, Kayla Link and Rachel Prihoda, students from Ozark Bible Institute, Neosho.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SEVENTH DAY--TUESDAY, MARCH 18, 1997

The Senate met pursuant to adjournment.

Senator Johnson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, Isaiah wrote, "The windows from on high are open." We are made to rejoice just to know that there is a Father in Heaven who is open to our prayers, aware of our problems and willing to help us. We pray for Your guidance in this body. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--Curls--1

The Lieutenant Governor was present.

President Wilson assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator McKenna moved that **SB 51**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and

again taken up for perfection, which motion prevailed.

At the request of Senator McKenna, **SS** for **SCS** for **SB 51** was withdrawn.

Senator McKenna offered **SS No. 2** for **SCS** for **SB 51**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 51

An Act to repeal sections 452.150, 452.355, 452.370, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605 and 454.496 RSMo 1994, and sections 452.330, 452.340, 452.375 and 452.400, RSMo Supp. 1996, relating to child custody and child support proceedings, and to enact in lieu thereof fifteen new sections relating to the same subject.

Senator McKenna moved that **SS No. 2** for **SCS** for **SB 51** be adopted.

Senator Johnson resumed the Chair.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 51, Page 21, Section 452.400, Line 19, by inserting immediately after the period "." the following: "**Such order shall include a provision that the sheriff shall enforce the rights of either parent to custody or visitation, as the case may be, unless the court issues a subsequent order pursuant to chapters 210, 211 or 433, RSMo, to limit or deny either parent's access to the child.;** and

Further amend said bill and section, page 23, line 3, by striking the opening and closing brackets "[]" around the period "."; and further amend said line by striking "or enforcement. The motion may be made on a simple"; and further amend lines 4 to 19 by striking all of said lines; and further amend line 20 by striking the following: "5."; and

Further amend said bill and section, page 24, line 7, by striking the opening and closing brackets "[]" around "4."; and further amend said line by striking the following: "6."; and further amend lines 15 to 28 by striking all of said lines; and

Further amend said bill and section, page 25, lines 1 to 28 by striking all of said lines; and

Further amend said bill and section, page 26, lines 1 to 3 by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator McKenna offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 51, Page 21, Section 452.400, Line 19, by inserting immediately after the period "." the following: "**Such order shall include a provision that the sheriff shall enforce the rights of either parent to custody or visitation, as the case may be, unless the court issues a subsequent order pursuant to chapters 210, 211 or 433, RSMo, to limit or deny either parent's access to the child.;** and

Further amend said bill and section, page 23, line 3, by inserting immediately after the word "enforcement" the following: "if the sheriff fails to enforce an order pursuant to subsection 1 of this section".

Senator McKenna moved that the above substitute amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 51, pages 24 and 25, Section 452.401, Lines 25-28 of page 24 and lines 1-11 of page 25, by striking all of said lines and inserting in lieu thereof the following: **"every clerk of the court in this state. Such fee shall be forwarded monthly by"**.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 51, Page 7, Section 452.340, Line 14, by inserting immediately after the word "parents" the following: "except for cases where the court specifically finds to the contrary"; and on page 15, line 27, by inserting immediately after the word "marriage" the following "except for cases where the court specifically finds to the contrary".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 51, Page 15, Section 452.375, Line 18 of said page, by inserting immediately after said line the following:

"3. In any court proceeding regarding the physical and legal custody of a child, the court shall not consider the fact that a child is enrolled in a home school in determining the custody of the child, and shall not order the custodial parent or guardian to enroll the child in a school other than the home school, unless the court finds that the custodial parent or guardian has failed to provide evidence of the home schooling pursuant to section 167.031, RSMo"; and

Further amend said section by renumbering the remaining subsections accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 51, Page 15, Section 452.375, Line 18 of said page, by inserting immediately after said line the following:

"3. In any court proceeding regarding the physical and legal custody of a child, the court shall not consider the fact that a child is enrolled in a home school alone in determining the custody of the child. The court shall not order the custodial parent or guardian to enroll the child in any school other than the school chosen by the custodial parent in compliance with state law."; and

Further amend said section by renumbering the remaining subsections accordingly.

Senator Klarich moved that the above substitute amendment be adopted.

At the request of Senator Klarich, **SSA 1** for **SA 4** was withdrawn.

At the request of Senator Kenney, **SA 4** was withdrawn.

Senator Jacob offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 51, Page 31, Section 454.496, Line 18, by inserting the following:

"Section 1. 1. Notwithstanding the provisions of subsection 1 of section 452.455, RSMo, or subsection 6 of section 452.370, RSMo, to the contrary, the court with jurisdiction may decline to exercise jurisdiction in any modification proceeding if such court finds that exercise of its jurisdiction would be clearly inconvenient to either party to the proceeding. The court shall consider the following factors in determining whether exercise of its jurisdiction would be clearly inconvenient:

(1) Place of residence of the parties;

(2) Location of witnesses; and

(3) The availability to either party of another, more convenient court with jurisdiction.

2. A finding that a court is a clearly inconvenient forum pursuant to subsection 1 of this section may be made upon the court's own motion or upon the motion of either party to the proceeding."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator McKenna, **SB 51**, with **SCS**, **SS No. 2** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 13**.

HOUSE CONCURRENT RESOLUTION NO. 13

WHEREAS, the residential building industry is a major Missouri industry and is vital to the economic health of the state; and

WHEREAS, residential building contractors are not required to be licensed or regulated by the state; and

WHEREAS, all cities and counties in the state of Missouri have not exercised the authority to license or regulate residential building contractors; and

WHEREAS, problems resulting from violations of city and county building codes continue to occur; and

WHEREAS, existing city and county building codes are not always adequately enforced; and

WHEREAS, lack of consumer knowledge prevents home buyers from adequately protecting themselves from dishonest or unqualified residential building contractors; and

WHEREAS, losses incurred by homeowners as a result of improper construction practices are a serious concern:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that an interim committee of the General Assembly be created to be composed of five members of the House, to be appointed by the Speaker of the House, and five members of the Senate, to be appointed by the President Pro Tem of the Senate, and that said committee be authorized to function during the interim between the first and second regular sessions of the Eighty-ninth General Assembly. No more than three members of the House and three members of the Senate shall be from the same political party; and

BE IT FURTHER RESOLVED that said committee make a in-depth study and review of the issues surrounding the need for regulation or licensure of residential building contractors and formulate comprehensive solutions to the problems that exist with regard to purchasing and constructing safe and structurally sound residences; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission during the second regular session of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members, and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof, be paid from the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

CONCURRENT RESOLUTIONS

Senator Howard offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 21

BE IT RESOLVED by the Senate of the Eighty-ninth General Assembly, the House of Representatives concurring therein, that the United States Corps of Engineers is hereby requested to remove the drift immediately below the Missouri Highway 84 Bridge which crosses the St. Francis River into Clay County, Arkansas; and

BE IT THEREFORE RESOLVED that upon adoption of this resolution the Secretary of the Senate shall forward a copy hereof to Mr. Martin Lancaster, Assistant Secretary of the Army for Civil Works and Major General Robert B. Flowers, Commander Lower Mississippi Valley Division of the United States Army Corps of Engineers.

REFERRALS

President Pro Tem McKenna referred **SCR 21** to the Committee on Rules, Joint Rules and Resolutions.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

Senator Quick announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

Senator Banks moved that **SB 140**, with **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Goode, the above amendment was withdrawn.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 140, Page 4, Section 303.026, Line 17, by striking the word "statement" and inserting in lieu thereof the word "**affidavit**"; and further on line 22, by striking "The statement" and inserting in lieu thereof the following: "**The affidavit need not be notarized, but it shall be acknowledged by the person processing the form. The affidavit**"; and

Further amend said bill, page and section, line 23, by striking the word "declaration" and inserting in lieu thereof the word "**affidavit**"; and further on line 23 by striking "575.060" and inserting in lieu thereof the following: "**575.050**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 140, Page 7, Section 303.030, Line 70, by inserting immediately after all of said line the following:

"303.190. 1. A "motor vehicle liability policy" as said term is used in this chapter shall mean an owner's or an operator's policy of liability insurance, certified as provided in section 303.170 or section 303.180 as proof of financial responsibility, and issued, except as otherwise provided in section 303.180 by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

2. Such owner's policy of liability insurance:

(1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

(2) Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits, exclusive of interest and costs, with respect to each such motor vehicle, as follows: [twenty-five] **fifty** thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, [fifty] **one hundred** thousand dollars because of bodily injury to or death of two or more persons in any one accident, and [ten] **twenty-five** thousand dollars because of injury to or destruction of property of others in any one accident.

3. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the said territorial limits and subject to the same limits of liability as are set forth above with respect to any owner's policy of liability insurance.

4. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

5. Such motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

6. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained

therein:

(1) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy;

(2) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage;

(3) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision (2) of subsection 2 of this section;

(4) The policy, the written application thereof, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.

7. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

8. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

9. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

10. The requirements of a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

11. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirement for such a policy."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 140, Page 7, Section 303.030, Line 70, by inserting after said line the following:

"Section 1. An entity regulated under chapter 375, RSMo shall not deny, fail to renew or terminate a contract or account with an agent or broker for the sale of insurance coverage on a motor vehicle because risks associated with the geographic area in which the vehicle is registered."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Mueller raised the point of order that **SA 6** is out of order in that it goes beyond the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 6 was again taken up.

Senator Clay moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Banks offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 140, Page 3, Section 303.026, Line 7, by striking the word "of" as it appears the first time on said line and inserting in lieu thereof the word "**at**"; and

Further amend said bill, page 5, section 303.026, line 31, by inserting after "RSMo" the following: ", **or unless the owner insures the vehicle according to the requirements of the division of motor carrier and railroad safety pursuant to section 390.126, RSMo**"; and

Further amend said bill, page and section, line 39, by striking the word "shall" and inserting in lieu thereof the word "**may**".

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Banks moved that **SCS** for **SB 140**, as amended, be adopted, which motion prevailed.

On motion of Senator Banks, **SCS** for **SB 140**, as amended, was declared perfected and ordered printed.

Senator Mathewson moved that **SB 165**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 165**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 165

An Act to repeal sections 143.805, 148.064 and 178.896, RSMo 1994, and sections 135.225, 135.230, 135.247, 135.460, 135.500, 135.503, 135.508, 135.516 and 178.895, RSMo Supp. 1996, relating to the department of economic development, and to enact in lieu thereof thirteen new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 165** be adopted.

Senator Mathewson offered **SS** for **SCS** for **SB 165**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 165

An Act to repeal sections 143.805, 148.064, 178.896, 620.1072 and 620.1078, RSMo 1994, and sections 135.225, 135.230, 135.247, 135.352, 135.460, 135.500, 135.503, 135.508, 135.516, 178.895 and 447.710, RSMo Supp. 1996, relating to the department of economic development, and to enact in lieu thereof thirty-four new sections relating to the

same subject.

Senator Mathewson moved that **SS** for **SCS** for **SB 165** be adopted.

Senator Howard assumed the Chair.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, Section 135.225, Line 10, by inserting above said line the following:

"135.208. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which is south of the Missouri River and which adjoins one county of the second class and also the state of Oklahoma. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

2. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which borders the Missouri River and which adjoins a county of the second class with a population of at least one hundred thousand inhabitants and which contains a branch of the state university. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

3. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in every county of the third class without a township form of government with a population of more than seven thousand eight hundred but less than ten thousand inhabitants located south of the Missouri River, which adjoins one third class county with a township form of government, and which adjoins no first or second class county. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

4. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in the county seat of every county of the third class with a township form of government with a population of more than eighteen thousand but less than twenty-five thousand, and with an assessed valuation of between one hundred seventy million dollars and one hundred seventy-five million dollars as published in the 1996 proceedings of the Missouri state tax commission. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 14, Section 135.247, Line 6, of said page, by inserting immediately after said line the following:

"135.313. 1. Any person, firm or corporation who engages in the business of producing charcoal or charcoal products in the state of Missouri shall be eligible for a tax credit on income taxes otherwise due under chapter 143, RSMo, except sections 143.191 to 143.261, RSMo, as an incentive to implement safe and efficient environmental controls. The tax credit shall be fifty percent of the purchase price of the best available control

technology equipment connected with the production of charcoal in the state of Missouri. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due.

2. Any amount of credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed four years.

3. The charcoal producer may elect to assign to a third party the approved tax credit. Certification of assignment and other appropriate forms must be filed with the Missouri department of revenue.

4. When applying for a tax credit, the charcoal producer specified in subsection 1 of this section shall make application for the credit to the division of environmental quality of the department of natural resources. The application shall identify the specific best available control technology equipment and the purchase price of such equipment. The director of the department of natural resources is authorized to require permits to construct prior to the installation of best available control technology equipment and other information which he or she deems appropriate.

4. The director of the department of natural resources shall certify to the department of revenue that the best available control technology equipment meets the requirements to obtain a tax credit as specified in this section."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 31, Line 35, by inserting immediately after said line the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry which is to be used in the feeding of livestock or poultry to be sold ultimately in processed form or otherwise at retail; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) **Replacement** machinery [and], equipment, **and parts** and the materials and supplies solely required for the installation or construction of such **replacement** machinery [and], equipment, [replacing and used for the same purposes or to produce a substantially similar product as the machinery and equipment, which is purchased for] **and parts used in** directly [for] manufacturing [or], fabricating **or producing** a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery [and], equipment, **and parts** and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint used in newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not for profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations pursuant to section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not for profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not for profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, and all sales of farm machinery, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "farm machinery" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement

parts thereon and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.440, RSMo, or sections

238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Johnson offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, Section 135.225, Line 1, by inserting immediately before said line the following:

"135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

(1) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue producing enterprise in which the taxpayer intends to use the new business facility;

(2) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) "Facility", any building used as a revenue producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) "New business facility", a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue producing enterprise, the portion employed by the taxpayer in the operation of a revenue producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue producing enterprise, the operation of the same or a substantially similar revenue producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (10) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(5) "New business facility employee", a person employed by the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(6) "New business facility income", the Missouri taxable income, as defined in chapter 143, RSMo, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term "Missouri taxable income" means, in the case of insurance companies, direct premiums as defined in chapter 148, RSMo. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, RSMo, or in the case of an insurance company, computed in accordance with chapter 148, RSMo, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The property factor is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32, RSMo;

(b) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32, RSMo. For the purpose of this subdivision, "other activities conducted within this state" shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(7) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail and barge vehicles and other rolling stock for hire, track, switches, barges, bridges, tunnels and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(8) "Office", a regional, national or international headquarters, a telemarketing operation, [a computer operation,] an insurance company, a passenger transportation ticket/reservation system or a credit card billing and processing center. For the purposes of this subdivision, "headquarters" means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (5) of this section;

(9) "Related taxpayer" shall mean:

(a) A corporation, partnership, trust or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in section 318 of the U.S. Internal Revenue Code;

(10) "Replacement business facility", a facility otherwise described in subdivision (4) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue producing enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (8) of this section is established by a revenue producing enterprise other than a revenue producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (11) of this section;

(11) "Revenue producing enterprise" means:

(a) Manufacturing activities classified as SICs 20 through 39;

- (b) Agricultural activities classified as SIC 025;
- (c) Rail transportation terminal activities classified as SIC 4013;
- (d) Motor freight transportation terminal activities classified as SIC 4231;
- (e) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;
- (f) Water transportation terminal activities classified as SIC 4491;
- (g) Wholesale trade activities classified as SICs 50 and 51;
- (h) Insurance carriers activities classified as SICs 631, 632 and 633;
- (i) Research and development activities classified as SIC 873, except 8733;
- (j) Farm implement dealer activities classified as SIC 5999;
- (k) Interexchange telecommunications services as defined in subdivision (20) of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020, RSMo;
- (l) Recycling activities classified as SIC 5093;
- (m) Office activities as defined in subdivision (8) of this section, notwithstanding SIC classification;
- (n) Mining activities classified as SICs 10 through 14;
- (o) **Car race track activities classified as SIC 7948 provided, notwithstanding any law to the contrary, the new business facility investment as defined in subdivision (7) of this section, and as determined in subdivision (7) of this section or in subsection 5 of section 135.110, exceeds one hundred million dollars during each tax period the taxpayer claims the tax credits;**
- (p) **Computer programming, data processing and other computer related activities classified as SIC 737;**
- (q) The administrative management of any of the foregoing activities; or
- [(p)] (r) Any combination of any of the foregoing activities;
- (12) "Same or substantially similar revenue producing enterprise", a revenue producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed or conducted in the same or similar manner as in another revenue producing enterprise;
- (13) "SIC", the **primary** standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget. **For the purpose of this subdivision, "primary" means at least fifty percent of the activities so classified are performed at the new business facility during the taxpayer's tax period in which such tax credits are being claimed;**
- (14) "Taxpayer", an individual proprietorship, corporation described in section 143.441 or 143.471, RSMo, and partnership or an insurance company subject to the tax imposed by chapter 148, RSMo, or in the case of an insurance company exempt from the thirty percent employee requirement of section 135.230, to any obligation imposed pursuant to section 375.916, RSMo.

135.200. The following terms, whenever used in sections 135.200 to 135.256, mean:

(1) "Department", the department of economic development;

(2) "Director", the director of the department of economic development;

(3) "Facility", any building used as a revenue producing enterprise located within an enterprise zone, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) "Governing authority", the body holding primary legislative authority over a county or incorporated municipality;

(5) "New business facility" shall have the meaning defined in section 135.100, except that the term "lease" as used therein shall not include the leasing of property defined in paragraph (d) of subdivision (6) of this section;

(6) "Revenue producing enterprise", means:

(a) Manufacturing activities classified as SICs 20 through 39;

(b) Agricultural activities classified as SIC 025;

(c) Rail transportation terminal activities classified as SIC 4013;

(d) Renting or leasing of residential property to low and moderate income persons as defined in federal law, 42 U.S.C. 5302(a)(20);

(e) Motor freight transportation terminal activities classified as SIC 4231;

(f) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self- storage;

(g) Water transportation terminal activities classified as SIC 4491;

(h) Wholesale trade activities classified as SICs 50 and 51;

(i) Insurance carriers activities classified as SICs 631, 632 and 633;

(j) Research and development activities classified as SIC 873, except 8733;

(k) Farm implement dealer activities classified as SIC 5999;

(l) Employment agency activities classified as SIC 7361;

(m) Computer programming, data processing and other computer related activities classified as SIC 737;

(n) Health service activities classified as SICs 801, 802, 803, 804, 806, 807, 8092 and 8093;

(o) Interexchange telecommunications as defined in subdivision (20) of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020, RSMo;

(p) Recycling activities classified as SIC 5093;

(q) Banking activities classified as SICs 602 and 603;

(r) Office activities as defined in subdivision (8) of section 135.100, notwithstanding SIC classification;

(s) Mining activities classified as SICs 10 through 14;

(t) **Car race track activities classified as SIC 7948 provided, notwithstanding any law to the contrary, the new business facility investment as defined in subdivision (7) of this section, and as determined in subdivision (7) of this section or in subsection 5 of section 135.110, exceeds one hundred million dollars during each tax period the taxpayer claims the tax credits;**

(u) The administrative management of any of the foregoing activities; or

[(u)] (v) Any combination of any of the foregoing activities;

(7) "Satellite zone", a noncontiguous addition to an existing state designated enterprise zone;

(8) "SIC", the **primary** standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget. **For the purpose of this subdivision, "primary" means at least fifty percent of the activities so classified are performed at the new business facility during the taxpayer's tax period in which such tax credits are being claimed.**"; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator Johnson resumed the Chair.

Senator Maxwell offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 19, Section 135.460, Line 13, of said page, by striking all of said line and inserting in lieu thereof the following: "**143.471, RSMo, partnership, limited liability company described in section 347.015, RSMo, cooperative, marketing enterprise, or partnership, in computing Missouri's tax**"; and further amend line 17 of said page, by inserting immediately before the period "." the following: ";

(3) The members of the limited liability company; and

(4) Individual members of the coop-erative or marketing enterprise".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senators Bentley and Sims offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 38, Section 620.1072, Line 25, by inserting immediately after the number "620.1072." the number "**1**"; and further amend said section, page 39, line 5, by inserting immediately after said line the following:

"2. Diligent efforts to assure that at least thirty percent of the moneys in the fund shall be available to and reserved for, female-owned microenterprises."

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 31, Section 135.516, Line 35 of said page, by inserting immediately after all of said line the following:

"135.550. 1. As used in this section, the following terms shall mean:

(1) "Maternity home", a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;

(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo;

(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable year is at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars.

7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the

director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

135.600. 1. As used in this section, the following terms shall mean:

(1) "Shelter for victims of domestic violence", a facility located in this state which meets the definition of a shelter for victims of domestic violence under section 455.200, RSMo, and which meets the requirements of section 455.220, RSMo;

(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo;

(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence in such taxpayer's taxable year is at least one hundred dollars.

5. The director of public safety shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence. The director of public safety may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of public safety shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in subsection 1 of this section.

6. The director of public safety shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence, and by which such taxpayer can then contribute to such shelter for victims of domestic violence and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one fiscal year shall not exceed two million dollars.

7. The director of public safety shall establish a procedure by which, from the beginning of the fiscal year until

some point in time later in the fiscal year to be determined by the director of public safety, the cumulative amount of tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the director of public safety, of its apportioned tax credits during this predetermined period of time, the director of public safety may reapportion these unused tax credits to those shelters for victims of domestic violence that have used all, or some percentage to be determined by the director of public safety, of their apportioned tax credits during this predetermined period of time. The director of public safety may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of public safety shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year."; and

Further amend said bill, Page 77, Section 18, Line 2, by inserting immediately after all of said line the following:

"Section B. Sections 135.550 and 135.600 of this act shall become effective on January 1, 1998."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 7** is out of order in that it far exceeds the purpose and intent of the original legislation.

The point of order was referred to the President Pro Tem, who took it under advisement, placing **SB 165**, with **SCS, SS for SCS, SA 7** and the point of order (pending), on the Informal Calendar.

Senator Quick moved that **SB 303**, with **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Quick, **SB 303**, with **SA 2** (pending), was placed on the Informal Calendar.

President Pro Tem McKenna ruled the point of order on **SA 7** to **SS for SCS for SB 165**, as amended, well taken.

SS for SCS for SB 165, as amended, was again taken up.

Senator Lybyer offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 33, Section 178.895, by striking all of said section and inserting in lieu thereof the following:

"178.892. As used in sections 178.892 to 178.896, the following terms mean:

(1) "Agreement", the agreement, between an employer and a junior college district, **state technical college or four year state institution of higher education** concerning a project. An agreement may be for a period not to exceed ten years when the program services associated with a project are not in excess of five hundred thousand dollars. For a project where associated program costs are greater than five hundred thousand dollars, the agreement may not exceed a period of eight years. No agreement shall be entered into between an employer and a community college district, **state technical college or four year state institution of higher education** which involves the training of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage;

(2) "Board of trustees", the board of trustees of a junior college district **and the board of regents or curators of a state technical college or four year state institution of higher education**;

(3) "Certificate", industrial new jobs training certificates issued pursuant to section 178.895;

(4) "Date of commencement of the project", the date of the agreement;

(5) "Employee", the person employed in a new job;

(6) "Employer", the person providing new jobs in conjunction with a project;

(7) "Industry", a business located within the state of Missouri which enters into an agreement with a community college district, **state technical college or four year state institution of higher education** and which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, health, or professional services. "Industry" does not include a business which closes or substantially reduces its operation in one area of the state and relocates substantially the same operation in another area of the state. This does not prohibit a business from expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced;

(8) "New job", a job in a new or expanding industry not including jobs of recalled workers, or replacement jobs or other jobs that formerly existed in the industry in the state;

(9) "New jobs credit from withholding", the credit as provided in section 178.894;

(10) "New jobs training program" or "program", the project or projects established by a community college district, **state technical college or four year state institution of higher education** for the creation of jobs by providing education and training of workers for new jobs for new or expanding industry in the state;

(11) "Program costs", all necessary and incidental costs of providing program services including payment of the principal of, premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, funding and maintenance of a debt service reserve fund to secure such certificates and wages, salaries and benefits of employees participating in on-the-job training;

(12) "Program services" includes, but is not limited to, the following:

(a) New jobs training;

(b) Adult basic education and job-related instruction;

(c) Vocational and skill-assessment services and testing;

(d) Training facilities, equipment, materials, and supplies;

(e) On-the-job training;

(f) Administrative expenses equal to fifteen percent of the total training costs;

(g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;

(h) Contracted or professional services; and

(i) Issuance of certificates;

(13) "Project", a training arrangement which is the subject of an agreement entered into between the community college district, **a state technical college or four year state institution of higher education** and an employer to provide program services;

(14) "Total training costs", costs of training, including supplies, wages and benefits of instructors, subcontracted

services, on-the-job training, training facilities, equipment, skill assessment and all program services excluding issuance of certificates.

178.893. A community college district, **state technical college or four year state institution of higher education**, with the approval of the department of economic development in consultation with the office of administration, may enter into an agreement to establish a project and provide program services to an employer. As soon as possible after initial contact between a community college district, **state technical college or four year state institution of higher education** and a potential employer regarding the possibility of entering into an agreement, the district **or college** shall inform the division of job development and training of the department of economic development and the office of administration about the potential project. The division of job development and training shall evaluate the proposed project within the overall job training efforts of the state to ensure that the project will not duplicate other job training programs. The department of economic development shall have fourteen days from receipt of the application to approve or disapprove projects. If no response is received by the community college, **state technical college or four year state institution of higher education** within fourteen days the projects are approved. Any project that is disapproved must be in writing stating the reasons for the disapproval. If an agreement is entered into, the district and the employer shall notify the department of revenue within fifteen calendar days. An agreement may provide, but is not limited to:

(1) Payment of program costs, including deferred costs, which may be paid from one or a combination of the following sources:

(a) Funds appropriated by the general assembly from the Missouri junior college job training program fund and disbursed by the division of job development and training in respect of new jobs credit from withholding to be received or derived from new employment resulting from the project;

(b) Tuition, student fees, or special charges fixed by the board of trustees to defray program costs in whole or in part;

(c) Guarantee of payments to be received under paragraph (a) or (b) of this subdivision;

(2) Payment of program costs shall not be deferred for a period longer than ten years if program costs do not exceed five hundred thousand dollars, or eight years if program costs exceed five hundred thousand dollars from the date of commencement of the project;

(3) Costs of on-the-job training for employees, shall include wages or salaries of participating employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total percent of the total wages paid by the employer to each participant during the period of training. Payment for on-the-job training may continue for up to six months after the placement of the participant in the new job;

(4) A provision which fixes the minimum amount of new jobs credit from withholding, or tuition and fee payments which shall be paid for program costs;

(5) Any payment required to be made by an employer is a lien upon the employer's business property until paid and has equal precedence with ordinary taxes and shall not be divested by a judicial sale. Property subject to the lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at tax sale obtain the property subject to the remaining payments.

178.894. If an agreement provides that all or part of program costs are to be met by receipt of new jobs credit from withholding, such new jobs credit from withholding shall be determined and paid as follows:

(1) New jobs credit from withholding shall be based upon the wages paid to the employees in the new jobs;

(2) A portion of the total payments made by the employer pursuant to section 143.221, RSMo, shall be designated as the new jobs credit from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the employer for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the employer for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the new jobs credit from withholding to be less than the amount projected

in the agreement for any time period, then other withholding tax paid by the employer pursuant to section 143.221, RSMo, shall be credited to the Missouri junior college job training fund by the amount of such difference. The employer shall remit the amount of the new jobs credit to the department of revenue in the manner prescribed in section 178.896. When all program costs, including the principal of, premium, if any, and interest on the certificates have been paid, the employer credits shall cease;

(3) The community college district, **the state technical college or four year state institution of higher education** participating in a project shall establish a special fund for and in the name of the project. All funds appropriated by the general assembly from the Missouri community college job training program fund and disbursed by the division of job development and training for the project and other amounts received by the district **or college** in respect of the project and required by the agreement to be used to pay program costs for the project shall be deposited in the special fund. Amounts held in the special fund may be used and disbursed by the district **or college** only to pay program costs for the project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in investments which are legal for the investment of the district's other funds;

(4) Any disbursement in respect of a project received from the division of job development and training under the provisions of sections 178.892 to 178.896 and the special fund into which it is paid may be irrevocably pledged by a junior college district, **state technical college or four year state institution of higher education** for the payment of the principal of, premium, if any, and interest on the certificate issued by a junior college district, **state technical college or four year state institution of higher education** to finance or refinance, in whole or in part, the project;

(5) The employer shall certify to the department of revenue that the credit from withholding is in accordance with an agreement and shall provide other information the department may require;

(6) An employee participating in a project will receive full credit for the amount designated as a new jobs credit from withholding and withheld as provided in section 143.221, RSMo;

(7) If an agreement provides that all or part of program costs are to be met by receipt of new jobs credit from withholding, the provisions of this subsection shall also apply to any successor to the original employer until such time as the principal and interest on the certificates have been paid.

178.895. 1. To provide funds for the present payment of the costs of new jobs training programs, a community college district, **state technical college or four year state institution of higher education** may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the Missouri community college job training program to the special fund established by the district, **college or university** for each project. The total amount of outstanding certificates sold by all junior college districts, **state technical college or four year state institution of higher education** shall not exceed twenty million dollars, unless an increased amount is authorized in writing by a majority of members of the Missouri job training joint legislative oversight committee. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170, RSMo, to the contrary. However, chapter 176, RSMo, does not apply to the issuance of these certificates. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a higher, lower, or equivalent rate of interest than the certificates being renewed or refunded.

3. Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates is final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

4. The board of trustees shall determine if revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

5. Certificates issued under this section shall not be deemed to be an indebtedness of the state [or], the community college district, **state technical college or four year state institution of higher education** or of any other political subdivision of the state and the principal and interest on such certificates shall be payable only from the sources provided in subdivision (1) of section 178.893 which are pledged in the agreement.

6. The department of economic development shall coordinate the new jobs training program, and may promulgate rules that districts, **state technical college or four year state institution of higher education** will use in developing projects with new and expanding industrial new jobs training proposals which shall include rules providing for the coordination of such proposals with the service delivery areas established in the state to administer federal funds pursuant to the federal Job Training Partnership Act. No rule or portion of a rule promulgated under the authority of sections 178.892 to 178.896 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

7. [No] **A** community college district [may] **state technical college or four year state institution of higher education shall not** sell certificates as described in this section after July 1, [1998] **2008**.

178.896. 1. There is hereby established within the state treasury a special fund, to be known as the "Missouri Community College Job Training Program Fund", to be administered by the division of job development and training. The department of revenue shall credit to the community college job training program fund, as received, all new jobs credit from withholding remitted by employers pursuant to section 178.894. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the community college job training program fund. Moneys in the Missouri community college job training program fund shall be disbursed to the division of job development and training pursuant to regular appropriations by the general assembly. The division shall disburse such appropriated funds in a timely manner into the special funds established by community college districts, **state technical college or four year state institution of higher education** for projects, which funds shall be used to pay program costs, including the principal of, premium, if any, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project. Such disbursements by the division of job development and training shall be made to the special fund for each project in the same proportion as the new jobs credit from withholding remitted by the employer participating in such project bears to the total new jobs credit from withholding remitted by all employers participating in projects during the period for which the disbursement is made. Moneys for new jobs training programs established under the provisions of sections 178.892 to 178.896 shall be obtained from appropriations made by the general assembly from the Missouri community college job training program fund. All moneys remaining in the Missouri community college job training program fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, RSMo, but shall remain in the Missouri community college job training program fund.

2. The department of revenue shall develop such forms as are necessary to demonstrate accurately each employer's new jobs credit from withholding paid into the Missouri community college job training program fund. The new jobs credit from withholding shall be accounted as separate from the normal withholding tax paid to the department of revenue by the employer. Reimbursements made by all employers to the Missouri community college job training program fund shall be no less than all allocations made by the division of job development and training to all

community college districts for all projects. The employer shall remit the amount of the new job credit to the department of revenue in the same manner as provided in sections 143.191 to 143.265, RSMo.

3. Sections 178.892 to 178.896 shall expire July 1, 2008."; and

Further amend the title and enacting clause accordingly.

Senator Lybyer moved that the above amendment be adopted.

At the request of Senator Mathewson, **SB 165**, with **SCS**, **SS** for **SCS** and **SA 8** (pending), was placed on the Informal Calendar.

Senator Quick moved that **SB 303**, with **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Ehlmann, the above amendment was withdrawn.

On motion of Senator Quick, **SB 303**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem McKenna referred **SB 212**, with **SCA 1**, to the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 211--Agriculture, Conservation, Parks and Tourism.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SB 367**; **SB 334**; and **SCS** for **SB 265**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem McKenna referred **SS** for **SB 367** and **SB 334**, to the Committee on State Budget Control.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 393, regarding Houston Johnson, Arbyrd, which was adopted.

Senator Maxwell offered Senate Resolution No. 394, regarding the Seventy-fifth Anniversary of the Kiwanis Club of Mexico, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Thelma Wheatley, Butler; Mary Limpus, Amsterdam; and Bev Mueller and Judy Ball, Adrian.

Senator Mueller introduced to the Senate, Geraldine Ayers, Anette Smith, Sue Bowles and Shirley Horlacher, St.

Louis.

Senator Banks introduced to the Senate, Lois R. Newell, Mary Jordan, Anna Black, Rose Goodbrum, Georgia Allen, Juanita West, Berta Kinney, Earlene Falker and Martha Bush, St. Louis.

Senator Yeckel introduced to the Senate, Sally Dehner and Eunagene Pohlig, St. Louis.

Senator Rohrbach introduced to the Senate, David Gullic, Jefferson City.

Senator Staples introduced to the Senate, Jeanette Bragg, Koshkonong.

On behalf of Senator Ehlmann and himself, Senator House introduced to the Senate, former State Representative George Dames, O'Fallon.

Senator Wiggins introduced to the Senate, Michelle Anderson, Elizabeth Hornbeck and William Fambrough, III, Kansas City.

Senator Westfall introduced to the Senate, eighth grade students from Fair Play.

Senator Westfall introduced to the Senate, Darrell Decker, Jim Payne and Mary Malter, Greene County.

Senator Yeckel introduced to the Senate, Elizabeth Stuckmeyer, John Groerich and students from Green Park Lutheran School, St. Louis.

Senator Yeckel introduced to the Senate, Lauren Anderson, Christen Lauer and students from Green Park Lutheran School, St. Louis.

Senator Bentley introduced to the Senate, Bob Bach, Michael Stevens and Jim Morgan, Springfield.

Senator Singleton introduced to the Senate, Peggy Lentz and John Good, Joplin.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-EIGHTH DAY--WEDNESDAY, MARCH 19, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Oliver Wendell Holmes said, "Many people die with their music still in them." Lord, You know our potential, You know what we can do and You know what is best for us to do. Help us to live up to our potential. Don't let us die with our music still in us. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Curls--1

The Lieutenant Governor was present.

THIRD READING OF SENATE BILLS

SB 240, with **SCA 1**, introduced by Senator Lybyer, entitled:

An Act to repeal section 33.120, RSMo 1994, relating to claims and warrants, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lybyer, **SB 240**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--Caskey--1

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 309, introduced by Senators Johnson and Scott, entitled:

An Act to repeal section 169.712, RSMo 1994, and sections 169.010, 169.040, 169.050, 169.070, 169.075, 169.600, 169.620, 169.630, 169.660 and 169.670, RSMo Supp. 1996, relating to certain school retirement systems, and to enact in lieu thereof eleven new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

On motion of Senator Johnson, **SB 309** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
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Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Schneider--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

SB 289, introduced by Senator Goode, entitled:

An Act to amend chapter 386, RSMo, by adding one new section relating to the metropolitan sewer district.

Was called from the Consent Calendar and taken up.

Senator Goode moved that **SB 289** be read the 3rd time and finally passed.

At the request of Senator Goode, the motion to 3rd read and pass **SB 289** was withdrawn.

Senator Quick announced that photographers from the Senate and KOMU-TV had been given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Rohrbach offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 395

WHEREAS, the members of the Missouri Senate, on certain auspicious occasions, feel it is incumbent on them to honor members of their staff with whom they have the mixed blessing of working with daily; and

WHEREAS, one such staff member has graced the Senate with her presence for some twenty-two years, having been hired by the current Senate Administrator in a moment of temporary mental instability in the summer of 1975; and

WHEREAS, this staffer worked in the printing and mailing department for several years where she demonstrated her machine operation acumen by getting her hair caught in the mailing machine; and

WHEREAS, she set for all of us a new standard of frugality when she coerced one of the custodial staff to retrieve two quarters she had accidentally dropped in a bathroom stool; and

WHEREAS, she was a danger to herself in the print shop, she was promoted to secretary for the administrator where her job performance was such, he begged that she be elected Secretary of the Senate when that position became open; and

WHEREAS, every Pro Tem since has suffered from her withering stares and whispered remonstrances when he has deviated from what she considers proper parliamentary practice; and

WHEREAS, the secretary has now achieved forty years of age and is preparing for her descent into the indignities and oscillations of middle age;

NOW, THEREFORE, BE IT RESOLVED that we the members of the Missouri Senate, Eighty-ninth General Assembly, wish Terry Spieler a joyous birthday and express our gratitude to her for the outstanding contributions she has made to the Senate and to the people of Missouri; and

BE IT FURTHER RESOLVED that a properly inscribed copy of this resolution be prepared for Terry Spieler, as a mark of our esteem for her.

Senator Rohrbach offered Senate Resolution No. 396, regarding Mr. Howard K. Mantle, Jefferson City, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 165**, with **SCS**, **SS** for **SCS** and **SA 8** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

President Pro Tem McKenna resumed the Chair.

SA 8 was again taken up.

At the request of Senator Lybyer, the above amendment was withdrawn.

Senator Rohrbach offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 63, Section 10, Line 9, by adding at the end of said line the following: "in which instance the obligation shall be a general obligation of the district only."

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Pages 69 and 70, Section 15, by deleting all of said section; and

Further amend said bill, Section 17, page 71, lines 25 and 26 of said page, by deleting all of said lines; and inserting in lieu thereof "**Section 17**"; and

Further amend said bill, page 73, Section 18, line 3 of said page, by deleting the words "a sales tax," on said line; and

Further amend said bill, page and section, lines 7 and 16 of said page, by deleting on said lines the words "sales tax or"; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 21, Section 135.500, Lines 12-14, by striking all of said lines and inserting in lieu thereof the following:

"(8) "Investor", any insurance company that contributes cash;"; and

Further amend said bill, page 26, Section 135.508, lines 8-10, by striking all of said lines and inserting in lieu thereof the following: "business in Missouri shall"]".

Senator Goode moved that the above amendment be adopted.

At the request of Senator Mathewson, **SB 165**, with **SCS, SS** for **SCS** and **SA 11** (pending), was placed on the Informal Calendar.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 397, regarding Mr. Robert W. Bax, which was adopted.

Senator Graves offered Senate Resolution No. 398, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. J. J. Harbstreit, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 399, regarding the One Hundred Fifth Birthday of Mrs. Alta Dewyre, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 400, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Veale, King City, which was adopted.

Senator Graves offered Senate Resolution No. 401, regarding the Ninety-fifth Birthday of Elva J. Wallace, which was adopted.

Senator Graves offered Senate Resolution No. 402, regarding Mrs. Erika Mandler, which was adopted.

Senator Ehlmann offered Senate Resolution No. 403, regarding Mr. Jack Ostmann, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 404, regarding Mr. Ed Shrum, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 405, regarding Martha Terrill, St. Louis, which was adopted.

Senator Ehlmann offered Senate Resolution No. 406, regarding John Lorenson, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 407, regarding Brian Kos, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 408, regarding Mark Vollmar, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 409, regarding Scott Bray, St. Charles, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 165**, with **SCS, SS** for **SCS** and **SA 11** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 11 was again taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 77, Section 18, Line 2, by adding after said line the following:

"Section 19. 1. There is hereby created within the department of economic development the "Commission on State Natural Resource and Growth Analysis", hereinafter referred to as the "commission".

2. The purposes of the commission shall be to gather information on the effects of rapid population growth and development patterns on traffic congestion, infrastructure needs and costs, water and air pollution, loss of agriculture lands, open spaces, and woodlands, and the quality of life in rapidly growing areas of the state, including rural areas.

3. The commission shall be composed of nine members, as follows:

(1) Two state representatives, one from each party, to be appointed by the speaker of the house of representatives;

(2) Two state senators, one from each party, to be appointed by the president pro tem of the senate;

(3) Two municipal or county planning officers or commissioners, one from each party, to be appointed by the governor; and

(4) Three members of the general public, with no more than two of the same party and with a general knowledge or concern about natural resources and growth impacts, to be appointed by the governor.

4. The members of the commission shall be appointed by January 1, 1998.

5. Any vacancy on the commission shall be filled in the same manner as the original appointment.

6. The commission shall have the following duties:

(1) To conduct a series of six hearings around the state in areas experiencing rapid population growth;

(2) To gather information on and contract, if necessary, for further research studies regarding but not limited to those issues in subsection 2 of this section;

(3) To obtain and study reports on similar efforts in other states;

(4) To solicit comments from local governmental planning agencies and development offices, public service providers, building and development interests, agricultural interests, and conservation and environmental organizations;

(5) To consult with the departments of agriculture, economic development, natural resources, and conservation, and any other governmental agency with interest and involvement in the issues described in subsection 2 of this section; and

(6) To solicit comments from the general public.

7. The commission shall report its findings, with recommendations for state policies and programs to address problems noted, to the governor and the general assembly by July 1, 1999.

8. The department of economic development shall provide clerical staff for the clerical needs of the commission until the commission is dissolved pursuant to subsection 8 of this section.

9. The commission shall be dissolved immediately upon completion of its report pursuant to subsection 7 of this section."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Rohrbach offered **SA 1** to **SA 12**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 12

Amend Senate Amendment No. 12 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, Section 19, Line 17 of said section, by deleting on said lines the words "or concern"; and further amend amendment 12, page 2, Section 19, lines 9, 10 and 11 of page 2, by deleting all of said lines and inserting in lieu thereof the words "to solicit comments from people who live in Missouri".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

SA 12, as amended, was again taken up.

At the request of Senator Sims, the above amendment was withdrawn.

Senator Banks offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 77, Section 18, Line 2, by inserting immediately after said line the following:

"Section 19. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.208, 135.210 and 135.256, the department of economic development shall designate one such zone in any city not within a county if such area which is to be included in the enterprise zone meets all the requirements of section 135.205."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 58, Section 7, Line 10, by adding after the word "place" the following "except in any county or counties of the third classification individual districts may join by agreement to promote tourism".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson moved that **SS** for **SCS** for **SB 165**, as amended, be adopted, which motion prevailed.

On motion of Senator Mathewson, **SS** for **SCS** for **SB 165**, as amended, was declared perfected and ordered printed.

Senator Maxwell moved that **SB 202**, **SB 23** and **SB 183**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 202, 23** and **183**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 202, 23 and 183

An Act to repeal sections 96.230, 96.240, 96.250, 96.260, 96.270, 96.280, 96.290, 205.590, 205.600, 205.610, 205.620, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 205.765, 205.766, 205.767, 205.769, 205.770, 205.780, 205.790, 205.820, 205.830, 205.840, 205.850, 205.860, 205.870, 205.880, 205.890, 205.900, 205.910, 205.920, 205.930, 205.940, 205.950, 207.010, 208.010, 208.015, 208.040, 208.041, 208.042, 208.043, 208.044, 208.047, 208.048, 208.050, 208.060, 208.075, 208.080, 208.120, 208.150, 208.160, 208.170, 208.180, 208.182, 208.325, 208.337, 208.339, 208.342, 208.345, 208.400, 208.405, 208.410, 208.415, 208.500, 208.503, 473.399 and 660.016, RSMo 1994, and sections 135.240 and 208.151, RSMo Supp. 1996, relating to public health and welfare, and to enact in lieu thereof fifty new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **SBs 202, 23** and **183** be adopted.

Senator Maxwell offered **SS** for **SCS** for **SBs 202, 23** and **183**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 202, 23 & 183

An Act to repeal sections 96.230, 96.240, 96.250, 96.260, 96.270, 96.280, 96.290, 161.193, 205.590, 205.600, 205.610, 205.620, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 205.765, 205.766, 205.767, 205.769, 205.770, 205.780, 205.790, 205.820, 205.830, 205.840, 205.850, 205.860, 205.870, 205.880, 205.890, 205.900, 205.910, 205.920, 205.930, 205.940, 205.950, 207.010, 207.090, 208.010, 208.015, 208.040, 208.041, 208.042, 208.043, 208.044, 208.047, 208.048, 208.050, 208.060, 208.075, 208.080, 208.120, 208.150, 208.160, 208.170, 208.180, 208.182, 208.325, 208.337, 208.339, 208.342, 208.345, 208.400, 208.405, 208.410, 208.415, 208.500, 208.503, 208.505, 473.399, 620.481, 620.521, 620.523, 620.527, 620.528, 620.529, 620.537 and 660.016, RSMo 1994, and sections 135.240, 208.151 and 620.530, RSMo Supp. 1996, relating to public health and welfare, and to enact in lieu thereof fifty-five new sections relating to the same subject.

Senator Maxwell moved that **SS** for **SCS** for **SBs 202, 23** and **183** be adopted.

Senator Johnson assumed the Chair.

Senator Quick assumed the Chair.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 40, Section 29, by striking all of said section and inserting the following:

"Section 29. 1. There is hereby established in each office of the Department of Social Services which takes applications for work first assistance or joint office when co-located with another agency, a direct placement program. The department shall identify which case worker or case managers will participate in the program. Participation shall be voluntary. The case workers and case managers together with the office director or designee, shall identify employers or job vacancies which recipients may be referred to for interviews and possible employment.

2. Each self sufficiency pact shall identify a time when the recipient will be referred to the direct placement program. Any recipient referred to the direct placement program who refuses to go for or does not attend an interview established by a case worker or manager, or who refuses to accept a job offered by an employer, with out good cause, shall be sanctioned according to the provisions of subsection 3 of section 25.

3. Each case worker participating in the direct placement program shall be eligible for a bonus plan, hereby established. The provisions of chapter 36 to the contrary notwithstanding, each participating employee shall, subject to appropriations, receive a bonus of one hundred dollars for each successful recipient above the base rate. The maximum bonus paid during any fiscal year shall be two thousand dollars. The bonus shall be paid twice a year. The base rate shall be equal to twenty five percent of the TANF cash recipients in the eligible employees average monthly case load over the previous twelve months but not less than ten. Successful recipients shall be those recipients of work first assistants who are employed at least thirty hours a week and have retained such employment for at least six months. The department may establish additional requirements relating employee eligibility or measuring successful recipients, deemed necessary for successful operation of the bonus plan. The department shall request suggestions about the bonus plan from, but not limited to, employees, appropriate union associations or other associations such as the National Eligibility Association and the County Directors Association. The provisions of this subsection shall sunset sixty months following the effective date of this act."

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Johnson resumed the Chair.

Senator Maxwell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 29, Section 21, Line 18 of said page, by inserting at the end of said line the following: "**Good cause exceptions to this requirement may be made by the department if there is substantial evidence that the action of the parent or caretaker presents a probability of serious harm to the parent or caretaker.**".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 9, Section 3, Line 14 of said page, by inserting immediately after the word "effort" the following: "**fund or Missouri families work program fund**"; and further amend line 15, by striking the word "fund"; and further amend line 19, by inserting

immediately after "payment," the following: "**primary housing payment or rent, utilities payment,**"; and further amend line 22, by striking the following: "one time use per adult recipient" and inserting in lieu thereof the following: "**non-reoccurring payment**".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 47, Section 208.010, Line 22, by adding at the end thereof, the following:

"In determining the eligibility of a claimant pursuant to this section, the Division of Family Services shall make all appropriate inquiries with the division of Employment Security, Department of Revenue and other such agencies and divisions prior to the issuance of such public assistance benefits. Should benefits be awarded on a temporary or emergency basis, such eligibility for benefits shall be terminated within thirty (30) days unless the determining division has reverified and substantiated a continued need."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Johnson resumed the Chair.

Senator Goode offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 94, Section 208.345, Line 17 of said page, by inserting immediately after said line the following:

"210.221. 1. The department of health shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children, and to renew the same when expired. No license shall be granted for a term exceeding two years. Each license shall specify the kind of child care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages and sex;

(2) To inspect the conditions of the homes and other places in which the applicant operates a child care facility, inspect their books and records, premises and children being served, examine their officers and agents, [and] **deny**, suspend [or] revoke **or place on probation** the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 [or], the rules and regulations made by the department of health. **The director also may revoke or suspend a license when the licensee has failed to renew or has surrendered the license;**

(3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the division shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed; and

(4) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.

2. Any child care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and shall include the reasons the facility is

requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health. Local inspectors may grant a variance, subject to approval by the department of health.

3. The department shall deny, suspend or revoke a license if it receives official notice that the license is prohibited by any local law related to the health and safety of children in child care as determined by local authorities.

[3.] **4.** No rule or portion of a rule promulgated under the authority of sections 210.201 to 210.245 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

210.245. 1. Any person who violates any provision of sections 210.201 to 210.245, or who for himself or for any other person makes materially false statements in order to obtain a license or the renewal thereof under sections 210.201 to 210.245, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association, institution or society, the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

2. If the department of health proposes to deny, suspend or revoke a license, the department of health shall serve upon the applicant or licensee written notice of the proposed action to be taken. The notice shall contain a statement of the type of action proposed; the basis for it; the date the action will go into effect; and a statement that the applicant or licensee shall have thirty days to request in writing a hearing before the administrative hearing commission. If no written request for a hearing is received by the department of health within thirty days of the applicant or licensee's receipt of the notice, the proposed discipline shall take effect thirty-one days from the date the original notice was received by the applicant or licensee. If the applicant or licensee makes a written request for a hearing, the department of health shall file a complaint with the administrative hearing commission within ninety days of receipt of the request for a hearing. The complaint shall comply with the laws and regulations for actions brought before the administrative hearing commission.

3. The department of health may issue letters of censure or warning and may place a license on probation without formal notice or hearing.

4. The department of health may suspend any license simultaneously with action taken in subsection 2 of section 210.245, if the department of health finds that there is a threat of imminent bodily harm to the children in care. The notice of suspension shall include the basis of the suspension and the appeal rights of the licensee. The licensee may appeal the decision to suspend the license to the department of health. The appeal must be filed within ten days from the receipt of the notice of appeal. A hearing shall be conducted by the department of health within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

[2.] **5.** In addition to initiating proceedings under subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child care facility **or the department may request that the attorney general seek an injunction to prevent the operation of the facility** for violating any provision of sections 210.201 to 210.245. The order shall remain in force until such a time as the court determines that the child care facility is in substantial compliance. [If the prosecuting attorney refuses to act or fails to act within thirty days of receipt of notice from the department of health, the department of health may request that the attorney general seek an injunction of the operation of such child care facility.]

[3.] **6.** In cases of imminent bodily harm to children in the care of a child care facility, the department may file suit in the circuit court of the county in which the child care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility.

210.252. 1. All buildings and premises used by a child care facility to care for more than four children except those

exempted from the licensing provisions of the department of health pursuant to subdivisions (1) [to], **(2), (3), (4) and (6)** of section 210.211, shall be inspected annually for fire and safety by the state fire marshal, his designee or officials of a local fire district and for health and sanitation by the department of health or officials of the local health department. Evidence of compliance with the inspections required by this section shall be kept on file and available to parents of children enrolling in the child care facility.

2. Local inspection of child care facilities may be accomplished if the standards employed by local personnel are substantially equivalent to state standards and local personnel are available for enforcement of such standards.

3. Any child care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health. Local inspectors may grant a variance, subject to approval by the department.

4. The department of health shall administer the provisions of sections 210.252 to 210.256, with the cooperation of the state fire marshal, local fire departments and local health agencies.

5. The department of health shall promulgate rules and regulations to implement and administer the provisions of sections 210.252 to 210.256. Such rules and regulations shall provide for the protection of children in all child care facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to 210.245.

210.256. 1. Any person who violates any provision of sections 210.252 to 210.255, or who for himself or for any other person makes a materially false statement in the notice of parental responsibility required by sections 210.254 and 210.255, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association, institution, or society, the officers thereof who participate in such violation shall be subject to the same penalties.

2. In addition to initiating proceedings under subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child care facility [for violating any provision of section 210.252] **or the department may request that the attorney general seek an injunction to prevent the operation of the child care facility for violating any provision of sections 210.252 to 210.259 or the rules promulgated by the department.** The injunction shall remain in force until such a time as the court determines that the child care facility is in substantial compliance.

3. In cases of imminent bodily harm to children in the care of a child care facility, the department of health may apply to the circuit court of the county in which the child care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 202, 23 & 183, Page 5, Section 1, Lines 6-28, of said page, by striking all of said lines; and further amend said section, Page 6, Lines 1-10, by striking all of said lines and inserting in lieu thereof the following:

"9. The department of social services, division of family services shall collect and record in computer readable format data describing the demographics of persons applying for and receiving or not receiving public assistance and the actions taken by the department of social services, division of family services. The data shall cover

applications, determinations of eligibility, granting, changing or denying benefits, amounts of benefits, sanctions, length of time on public assistance, county and zip code of residence. The data collection shall be integrated with the tracking required under the Personal Responsibility and Work Opportunity Reconciliation of 1996, as amended, to avoid duplication.

10. The data, devoid of personal identification, shall be made available at actual cost of reproduction to universities or colleges and state agencies doing research on public assistance programs in a computer readable format.

11. The office of administration shall contract with a university, college or other agency independent of the department which has demonstrated expertise and experience in evaluating the success of programs of public assistance or human social development. In developing the request for proposal, the office of administration shall consult with the departments of elementary and secondary education, social services, mental health, health and economic development. The purpose of the study will be to measure the performance of the public assistance system including inequities in the system. The scope of the study shall apply the science of statistics and probability to identify the demographics of persons receiving public assistance and the response of the public assistance system to the needs of the applicants and recipients. The study shall also look for patterns and anomalies based upon residence, county, division of family services region, race, age, marital status, gender, or other demographic categories.

12. The contractor shall do an annual analysis of the data and report on the performance of the public assistance system and any anomalies and inequities to the department of social services, the governor and the general assembly."; and further amend said page and section by renumbering the remaining subsections accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 19, Section 9, Line 21, by inserting immediately after said line the following:

"(16). The board, subject to appropriations, shall set up a program of performance awards for employees of state or local government who are directly in contact with participants in the families work program. The program shall give public recognition and monetary reward to employees who demonstrate exemplary performance in assisting participants to attain the goals of the families work program. Recipients, co-workers, managers, community organizations, shall annually be invited to recommend exemplary employees for the performance rewards. The board shall set criteria for recognition of the nominated employees. Using these criteria and the purposes and goals of the families work program, the board shall annually decide upon recipients of the rewards and publicly present them. The provisions of this subsection shall sunset sixty months following the effective date of this act.".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Maxwell, **SB 202**, **SB 23** and **SB 183**, with **SCS** and **SS** for **SCS**, as amended (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 34**, entitled:

An Act relating to certain child care facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 356**, entitled:

An Act to repeal sections 104.103, 104.374, 104.415, 104.612, 476.450 and 476.580, RSMo 1994, and sections 104.335, 104.395, 104.515, 287.820, 476.539 and 476.601, RSMo Supp. 1996, relating to retirement of state officers and employees, and to enact in lieu thereof twelve new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 450**, entitled:

An Act to amend chapters 8 and 431, RSMo, relating to public construction contracts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 424** and **534**, entitled:

An Act to repeal sections 252.085 and 252.230, RSMo 1994, relating to the department of conservation, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions, and an emergency clause for a certain section.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 303**; and **SCS** for **SB 140**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

HB 257--Financial and Governmental Organization.

HB 151--Commerce and Environment.

HB 51--Corrections and General Laws.

HB 381--Transportation.

HCS for HB 141--Local Government and Economic Development.

HCS for HB 557--Agriculture, Conservation, Parks and Tourism.

HB 107--Financial and Governmental Organization.

HB 516--Judiciary.

HCS for HJR 1--Civil and Criminal Jurisprudence.

HJR 11--Commerce and Environment.

INTRODUCTIONS OF GUESTS

Senator Schneider introduced to the Senate, Karen Van der Graff, and students from Hallsferry Elementary School, St. Louis; and Dana Weissenborn, Sandra Busken, Albany Hayes and Jarron Pearson were made honorary pages.

Senator Sims introduced to the Senate, Susan Luke, St. Louis.

Senator Bentley introduced to the Senate, Dave Peters, Springfield.

Senator Westfall introduced to the Senate, Dan Johnson, and students from Aurora School, Aurora; and Bobby Johnson, Bridget Durkin, Kris Moore and Jamie Monroe were made honorary pages.

On behalf of Senator Graves and himself, Senator Johnson introduced to the Senate, third through eighth grade students from East Buchanan County.

Senator Lybyer introduced to the Senate, Rev. Larry Hines and Mark Knapp, Holts Summit.

Senator Howard introduced to the Senate, Mr. and Mrs. Sonny Minor, and their daughter, Tina, Cape Girardeau.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-NINTH DAY--THURSDAY, MARCH 20, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, James wrote, "Let every man be swift to hear and slow to speak." Forgive us for speaking when we should be listening, for being quiet when we ought to speak. Give us the wisdom to know when to speak up and when to listen to someone else. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Curls--1

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 410, regarding Walter Stopke, Sr., St. Peters, which was adopted.

Senator Ehlmann offered Senate Resolution No. 411, regarding Victor Schlueter, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 412, regarding the late John W. Conoyer, which was adopted.

Senator Ehlmann offered Senate Resolution No. 413, regarding Mr. Jerry Kleeschulte, St. Charles, which was adopted.

THIRD READING OF SENATE BILLS

SB 133, introduced by Senator Westfall, entitled:

An Act to repeal section 190.308, RSMo Supp. 1996, relating to emergency telephone service, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Westfall, **SB 133** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Clay	Ehlmann	Lybyer--3
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Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 171, with **SCA 1**, introduced by Senator Caskey, entitled:

An Act to repeal section 429.015, RSMo 1994, relating to certain liens on real property, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **SB 171**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Clay	Ehlmann	Lybyer--3
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Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 316, with **SCS**, introduced by Senator Kenney, entitled:

An Act to repeal section 301.025, RSMo Supp. 1996, relating to personal property tax receipts used for motor vehicle registration, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 316**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 316

An Act to repeal section 301.025, RSMo Supp. 1996, relating to personal property tax receipts used for motor vehicle registration, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Kenney moved that **SCS** for **SB 316** be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS** for **SB 316** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Lybyer--2
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Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

Senator Wiggins assumed the Chair.

SB 368, introduced by Senator Caskey, entitled:

An Act to repeal section 140.170, RSMo Supp. 1996, relating to delinquent property taxes, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 368** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder

Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Lybyer	Schneider--2
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Absent with leave--Senators--Curls--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Lybyer--1

Absent with leave--Senators--Curls--1

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which was referred **SB 315**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 315, Page 1, In the Title, Line 3, by inserting immediately after the word "subject" the following: ", with an effective date"; and

Further amend said bill, page 5, section 307.375, line 56, by inserting immediately after said line the following:
"Section B. The repeal and reenactment of sections 304.050 and 307.375 shall become effective on July 1, 1998."

Also,

Mr. President: Your Committee on State Budget Control, to which were referred **SB 72**; **SB 247**; **SB 334**; and **SB 212**, with **SCA 1**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 72, introduced by Senator Goode, entitled:

An Act to repeal sections 643.310, 643.315, 643.320, 643.335, 643.350 and 643.355, RSMo 1994, relating to motor vehicle emissions inspections, and to enact seven new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Goode, **SB 72** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--Mueller--1

Absent--Senators--Bentley--1

Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

SB 247, introduced by Senator House, et al, entitled:

An Act to amend chapter 135, RSMo, relating to a tax credit for certain charitable contributions, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

Was taken up by Senator House.

On motion of Senator House, **SB 247** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Bentley--1

Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 315, with **SCA 1**, introduced by Senator Staples, entitled:

An Act to repeal sections 304.050 and 307.375, RSMo 1994, relating to crossing control arms on school buses, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **SB 315**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Bentley--1

Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 334, introduced by Senator Mathewson, entitled:

An Act to repeal section 136.055, RSMo 1994, and section 301.030, RSMo Supp. 1996, relating to the licensing of motor vehicles, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Mathewson, **SB 334** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Quick	Russell
Schneider	Scott	Sims	Singleton

Staples	Westfall	Wiggins	Yeckel--28
	Nays--Senators		
Graves	Kenney	Kinder	Rohrbach--4
	Absent--Senators--Mueller--1		
	Absent with leave--Senators--Curls--1		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem McKenna referred **SCS** for **SB 140** to the Committee on State Budget Control.

THIRD READING OF SENATE BILLS

SB 430, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal sections 217.010 and 217.777, RSMo Supp. 1996, relating to community corrections, and to enact in lieu three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 430**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 430

An Act to repeal sections 595.010 and 595.020, RSMo 1994, and sections 217.010 and 217.777, RSMo Supp. 1996, relating to community corrections, and to enact in lieu thereof five new sections relating to the same subject, with an emergency clause for certain sections.

Was taken up.

Senator Caskey moved that **SCS** for **SB 430** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 430** was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson

Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Banks	Graves	Mueller--3
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Absent with leave--Senators--Curls--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Mueller--1

Absent with leave--Senators--Curls--1

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 361** be called from the Informal Calendar and again taken up for perfection, which

motion prevailed.

Senator Caskey offered **SS** for **SB 361**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 361

An Act to repeal sections 193.085, 193.087, 193.145, 193.215, 210.822, 210.832, 210.834, 210.839, 210.841, 285.300, 285.302, 285.304, 288.250, 379.116, 451.040, 452.305, 452.315, 452.350, 452.370, 454.410, 454.415, 454.425, 454.440, 454.455, 454.460, 454.465, 454.470, 454.475, 454.476, 454.485, 454.490, 454.495, 454.496, 454.500, 454.505, 454.512, 454.513, 454.514, 454.515, 454.516, 454.517, 454.518, 454.519, 454.603, 454.808, 486.225 and 620.145, RSMo 1994, sections 452.340, 454.400, 454.850, 454.855, 454.860, 454.862, 454.867, 454.869, 454.871, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.927, 454.930, 454.932, 454.935, 454.937, 454.940, 454.942, 454.945, 454.947, 454.950, 454.952, 454.955, 454.957, 454.960, 454.962, 454.965, 454.967, 454.970, 454.972, 454.975, 454.977, 454.979 and 454.980, RSMo Supp. 1996, and sections 210.842 and 452.345, as both versions of such sections appear in RSMo Supp. 1996, and to enact in lieu thereof one hundred thirty-two new sections for the purpose of complying with federal mandates for child support enforcement, with penalty provisions, an effective date for certain sections and an emergency clause.

Senator Caskey moved that **SS** for **SB 361** be adopted.

At the request of Senator Caskey, **SB 361**, with **SS** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 414, regarding Mr. Thomas Pryor, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 415, regarding the late Richard Dwyer, which was adopted.

Senator Howard offered Senate Resolution No. 416, regarding Betty Martin, Caruthersville, which was adopted.

Senator Howard offered Senate Resolution No. 417, regarding Ron Stutzman, Caruthersville, which was adopted.

Senator Howard offered Senate Resolution No. 418, regarding Shirley Kay Davis, Caruthersville, which was adopted.

Senator Howard offered Senate Resolution No. 419, regarding Dr. and Mrs. Paul Currie, Caruthersville, which was adopted.

Senator Lybyer offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 420

WHEREAS, the members of the Missouri Senate are proud to acknowledge the heroic feat of an outstanding Missourian who demonstrated exceptional presence of mind following a life-threatening automobile accident; and

WHEREAS, Mike Haslag of Linn, an employee of Central Electric Power Cooperative, was returning home from work at 12:38 a.m. on December 2, 1996, when he happened upon a motor vehicle accident east of Loose Creek; and

WHEREAS, Mike Haslag discovered the body of a child, three-year-old Tyler Horan, who had been ejected from the vehicle and was lying face down, a precarious situation which caused Mike to summon his courage and clear-headedness as he pulled the boy from the snow bank and took him back to the light of his vehicle headlamps; and

WHEREAS, Mike Haslag swiftly and accurately assessed the boy's physical condition and immediately instituted CPR, an action which saved the youngster's life; and

WHEREAS, Mike Haslag learned CPR and received his first-aid training at Linn State Technical College, where he earned his Associate's degree in industrial electricity; and

WHEREAS, Mike Haslag has been blessed with the love and affection of a wonderful son, Christopher, who is nine years old; and

WHEREAS, it is entirely fitting and proper for Mike Haslag to be honored and praised by this legislative body for gallantly saving the life of Tyler Horan:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join in expressing our most sincere appreciation and deepest gratitude to Mike Haslag for his heroic efforts on December 2, 1996, and further wish him the best of luck in all of his future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mr. Mike Haslag.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 59**, entitled:

An Act to repeal section 478.268, RSMo Supp. 1996, relating to probate courts, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 327**, entitled:

An Act to amend chapter 252, RSMo, relating to the department of conservation, by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 633**, entitled:

An Act to repeal section 443.903, RSMo Supp. 1996, relating to reverse mortgage loans, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 150**, entitled:

An Act relating to the conveyance of certain real property by the department of natural resources located in McDonald County.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 172**, entitled:

An Act to repeal section 130.034, RSMo Supp. 1996, relating to campaign contributions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 626**, entitled:

An Act to repeal section 374.205, RSMo 1994, relating to Missouri department of insurance examination, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 387**, entitled:

An Act to repeal sections 362.245 and 362.250, RSMo 1994, relating to certain banking transactions, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 244**, entitled:

An Act to repeal section 304.022, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 319**, entitled:

An Act to repeal sections 352.500 and 352.515, RSMo Supp. 1996, relating to certain incorporated and nonincorporated entities, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 95**, entitled:

An Act to repeal section 190.308, RSMo Supp. 1996, relating to emergency 911 service, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 651**, entitled:

An Act to authorize the governor to convey certain property of Southwest Missouri State University in Greene County, Missouri, to the city of Springfield.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 300**, entitled:

An Act to repeal section 565.250, RSMo Supp. 1996, relating to invasion of privacy, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 104**, entitled:

An Act to repeal section 556.037, RSMo 1994, relating to the statute of limitations for certain crimes, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 250**, entitled:

An Act to repeal section 355.316, RSMo 1994, relating to not for profit corporations, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 309**, entitled:

An Act to repeal sections 329.040, 329.045, 329.080 and 329.085, RSMo Supp. 1996, relating to the licensing and regulation of cosmetologists, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 610**, entitled:

An Act to repeal sections 409.301, 409.403 and 409.415, RSMo 1994, and sections 409.201, 409.202, 409.203 and 409.401, RSMo Supp. 1996, relating to the Missouri uniform securities act, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 265**, entitled:

An Act to repeal section 559.027, RSMo Supp. 1996, relating to probation revocation hearings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 88**, entitled:

An Act to repeal section 536.017, RSMo 1994, relating to administrative rules regarding takings, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 520**, entitled:

An Act to repeal section 37.005, RSMo Supp. 1996, relating to the leasing of surplus public property to a private or government entity, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 213**, entitled:

An Act to repeal section 339.770, RSMo Supp. 1996, relating to intersectional reference in real estate broker disclosure statute, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 438**, entitled:

An Act to amend chapter 181, RSMo, by adding thereto one new section relating to the establishment of the Wolfner library trust fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 207**, entitled:

An Act to repeal section 301.560, RSMo Supp. 1996, relating to the motor vehicle commission, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 123**, entitled:

An Act to repeal section 302.130, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 566**, entitled:

An Act relating to school bus drivers, with penalty provisions and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 390**, entitled:

An Act to repeal sections 190.005, 190.010, 190.015, 190.043, 190.055, 190.060, 190.073, 190.093, 190.095, 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.135, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180, 190.190, 190.235, 190.237, 190.239, 190.241, 190.243, 190.245 and 190.247, RSMo 1994, and section 190.145 as both versions appear in RSMo Supp. 1996, and section 190.185, RSMo Supp. 1996, relating to emergency services, and to enact in lieu thereof thirty-nine new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 9**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 11(b) and 11(c) of article X of the Constitution of Missouri, relating to limitations on local tax rates and adopting three new sections in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 421, regarding the Caruthersville Lions Club, which was adopted.

Senator Howard offered Senate Resolution No. 422, regarding Diane Sayer, Caruthersville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, her grandson, Patrick Duff, McLean, Virginia; and Patrick was made an honorary page.

Senator Lybyer introduced to the Senate, Mike Haslag, Linn.

On behalf of Senator Rohrbach and himself, Senator Kenney introduced to the Senate, Ralph Schulte, Mark Newbold, Melvin Propst, Janet Warren, Don Otto and David Spicer, Jefferson City; and Christopher Haslag, Shawn, Michele, Tyler, Tabatha and Pat Horan, Helen and Cathie Sutphin, and Pam Carsten, Linn.

Senator Bentley introduced to the Senate, Cameron Christy, Myra Miller and Tim Gibbs, Springfield.

Senator Sims introduced to the Senate, Phao and Khoi Ngugen, and eighth grade students from Fanning School and Parkway Central, St. Louis; and Phao and Khoi were made honorary pages.

Senator Singleton introduced to the Senate, Gary, Tracy and Amanda Sorensen, Joplin; and Amanda was made an honorary page.

Senator Caskey introduced to the Senate, Paul and Ruth Ferrel, Butler.

Senator Graves introduced to the Senate, the Physician of the Day, Rick Smith, M.D. and his wife, Amanda,, Kansas City.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, March 24, 1997.

Journal of the Senate

FIRST REGULAR SESSION

FORTIETH DAY--MONDAY, MARCH 24, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, Luke spoke of Jesus as the one who "went about doing good." Lord, help us to live in such a way that someone will be able to truthfully say of us that we did good for the people of our state. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 20, 1997, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Curls--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 423, regarding Mr. Jack Hammonds, St. Charles, which was adopted.

Senator McKenna offered Senate Resolution No. 424, regrading Robert L. "Bob" Hastings, Crystal City, which was adopted.

Senator Ehlmann offered Senate Resolution No. 425, regarding Mr. Paul Wilmes, O'Fallon, which was adopted.

Senator Graves offered Senate Resolution No. 426, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ernest Wyatt, Mercer, which was adopted.

Senator Graves offered Senate Resolution No. 427, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Nelson, Clarksdale, which was adopted.

Senator Rohrbach offered Senate Resolution No. 428, regarding Dr. H. P. Stonner, Tipton, which was adopted.

Senator Westfall offered Senate Resolution No. 429, regarding LeAnn Foster Campbell, Barton County, which was adopted.

Senator Flotron offered Senate Resolution No. 430, regarding Mary Katherine Rogers, Maryland Heights, which was adopted.

Senator Kenney offered Senate Resolution No. 431, regarding Kelly Moncrief, Ft. Leonard Wood, which was adopted.

Senator Kenney offered Senate Resolution No. 432, regarding Alison Casper, Monett, which was adopted.

Senator Kenney offered Senate Resolution No. 433, regarding Barbara Kay Yost, which was adopted.

Senator Kenney offered Senate Resolution No. 434, regarding Natalie Norlund, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 435, regarding Amy Stewart, Centerview, which was adopted.

Senator Kenney offered Senate Resolution No. 436, regarding Holly Brand, which was adopted.

Senator Kenney offered Senate Resolution No. 437, regarding Catherine Amery Brown, which was adopted.

Senator Kenney offered Senate Resolution No. 438, regarding Janelle Meyer, Owensville, which was adopted.

Senator Kenney offered Senate Resolution No. 439, regarding Anke Scheibler, Stuttgart, Germany, which was adopted.

Senator Kenney offered Senate Resolution No. 440, regarding Douglas Stephen (Doug) Brasfield, Lee's Summit, which was adopted.

Senator Klarich offered Senate Resolution No. 441, regarding the Class 2A District Basketball Champions from Valley R-6 of Caledonia-Belgrade, which was adopted.

Senator Staples offered Senate Resolution No. 442, regarding Mr. A.C. Sullivan, Jr., Park Hills, which was adopted.

Senator Goode offered Senate Resolution No. 443, regarding the City of Kinloch, which was adopted.

THIRD READING OF SENATE BILLS

Senator Goode moved that **SB 289** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Goode moved that **SB 289** be read the 3rd time and finally passed.

Senator Klarich requested unanimous consent of the Senate to suspend the rules and place **SB 289** on the Formal Perfection Calendar, which request was denied.

Senator Klarich offered a substitute motion that the rules be suspended and **SB 289** be moved from the Consent Calendar to the Formal Perfection Calendar.

Senator Mathewson raised the point of order that the motion made by Senator Klarich is out of order because it is not timely.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem McKenna resumed the Chair.

Senator Klarich's motion on **SB 289** failed to receive the necessary two-thirds majority by the following vote:

Yeas--Senators

Bentley	Clay	Flotron	Graves
Kenney	Kinder	Klarich	Mueller
Quick	Rohrbach	Russell	Yeckel--12

Nays--Senators

Caskey	Childers	DePasco	Goode
House	Howard	Jacob	Johnson
Lybyer	Mathewson	Maxwell	McKenna
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins--19	

Absent--Senators--Banks--1

Absent with leave--Senators

Curls	Ehlmann--2
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Senator Klarich offered a substitute motion that **SB 289** be re-referred to committee.

Senator Mathewson requested a roll call vote be taken on the motion made by Senator Klarich to re-refer **SB 289** to committee. He was joined in his request by Senators Goode, Johnson, Staples and Wiggins.

Senator Klarich's motion to re-refer **SB 289** to committee failed by the following vote:

Yeas--Senators

Childers	Clay	Graves	Klarich
Mueller	Russell--6		

Nays--Senators

Banks	Bentley	Caskey	DePasco
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Lybyer	Mathewson	Maxwell	McKenna
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--26		

Absent--Senators--None

Absent with leave--Senators

Curls Ehlmann--2

Senator Klarich moved that **SB 289** be referred to the Committee on State Budget Control.

Senator Scott raised the point of order that Senator Klarich's motion is out of order in that the fiscal note does not indicate the necessary fiscal impact to state revenue that requires a bill to go to the budget committee under the Senate rules.

President Pro Tem McKenna ruled the point of order not well taken.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

Senator Klarich renewed his motion to re-refer **SB 289** to the Committee on State Budget Control.

At the request of Senator Klarich, the above motion was withdrawn.

At the request of Senator Goode, the motion to 3rd read and finally pass **SB 289** was withdrawn.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 1997

TO THE SENATE OF THE 89TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary Louise Brown, 2028 Bland Place, St. Louis, St. Louis County, Missouri 63143, as a member of the Missouri Historical Records Advisory

Board, for a term ending November 1, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 1997

TO THE SENATE OF THE 89TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Anne G. Rottmann, 1409 Green Berry Road, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Historical Records Advisory Board, for a term ending November 1, 1998, and until her successor is duly appointed and qualified; vice, Sharon K. Hanson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 1997

TO THE SENATE OF THE 89TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Katherine K. Wesselschmidt, 9566 Banyon Tree Court, St. Louis, St. Louis County, Missouri 63126, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund, for a term ending February 6, 1999, and until her successor is duly appointed and qualified; vice, RSMo 319.129.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 1997

TO THE SENATE OF THE 89TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Loretta M. Wilcox, Democrat, 2710 East 15th, Joplin, Jasper County, Missouri 64804, as a member of the Missouri Southern State College Board of Regents, for a term ending August 30, 2002, and until her successor is duly appointed and qualified; vice, Darius Keith Adams, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 1997

TO THE SENATE OF THE 89TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joseph D. Wrinkle, 210 South Pleasant Street, Apartment 212, Independence, Jackson County, Missouri 64050, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 1997

TO THE SENATE OF THE 89TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Krikor O. Partamian, M.D., 33 Court Drive, St. Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Western State College Board of Regents, for a term ending October 29, 2002, and until his successor is duly appointed and qualified; vice, John Thomas, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 1997

TO THE SENATE OF THE 89TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Patricia A. Versluis, 320 Crestwood Drive, Neosho, Newton County, Missouri 64850, as a member of the State Board of Nursing, for a term ending June 1, 2000, and until her successor is duly appointed and qualified; vice, Karen Hendrickson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 1997

TO THE SENATE OF THE 89TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Patricia R. Porterfield, 313 Oriole Drive, St. Charles, St. Charles County, Missouri 63301, as a member of the State Board of Nursing, for a term ending June 1, 2000, and until her successor is duly appointed and qualified; vice, Patricia Dixon, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 1997

TO THE SENATE OF THE 89TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Christine C. Meyer, 7808 Stateline Road, Kansas City, Jackson County, Missouri 64114, as a member of the Drug Utilization Review Board, for a term ending October 15, 1998, and until her successor is duly appointed and qualified; vice, Dr. Arthur Shinn, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 1997

TO THE SENATE OF THE 89TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wayne K. Mueller, 509 Riverchase Circle, Fenton, St Louis County, Missouri 63026, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 1997

TO THE SENATE OF THE 89TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorothy M. Creager, 3904 Summit Ridge, Independence, Jackson County, Missouri 64055, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2000, and until her successor is duly appointed and qualified; vice, David Dieckman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 361**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 361** was again taken up.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 361, Page 174, Section 454.1027, Line 28 of said page, by striking all of said line; and further amend said bill, page 175, lines 1-8, by striking all of said lines; and

Further amend said bill, Page 175, Section 454.1029, Lines 9-15 of said page, by striking all of said lines, and inserting in lieu thereof the following:

"454.1027. Notwithstanding any provision to the contrary contained in sections 454.1000 to 454.1025, the following procedures shall apply between the division of child support enforcement and the department of conservation regarding the suspension of hunting and fishing licenses.

(1) The division of child support enforcement shall be responsible for making the determination whether an individual's license should be suspended based on the reasons specified in section 454.1003, after ensuring that each individual is provided due process including appropriate notice and opportunity for administrative hearing.

(2) If the division of child support enforcement determines, after completion of all due process procedures available to an individual, that an individual's license should be suspended, the division shall notify the department of conservation. The department shall implement the determination of the division of child support enforcement by issuing an order suspending the individual's license. Such suspension shall remain in effect until the department is notified by the division that such suspension should be stayed or terminated because the individual is now in compliance with applicable child support laws."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 361, Page 177, Section 2, Line 27 of said page, by inserting immediately after all of said line the following:

"Section 3. The provisions of sections 454.1000 to 454.1027 shall only apply to those child support arrearages accrued after the effective date of this act."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SB 361**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 2**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri, relating to school district indebtedness and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 12**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 28 of article IV of the Constitution of Missouri, relating to the maximum period for which the state may be obligated on lease of real property and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 16**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri, relating to initiative petitions and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 630**, entitled:

An Act relating to patriotic activities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 529**, entitled:

An Act to repeal sections 49.310, 67.582, 221.010, 221.111, 221.400, 221.405 and 221.410, RSMo 1994, relating to jails, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SB 165**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 211**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 211, Page 4, Section 266.165, Line 30, by striking the word "thirty" and inserting in lieu thereof "**twenty-five**"; and

Further amend said bill, page 10, section 266.190, line 16 by striking the opening and closing brackets on said line "[]"; and further amend said line by inserting the word "**and**" immediately before "a listing"; and further amend line 18, by inserting the word "**the**" immediately before the word "payment"; and further amend said line by striking the word "fifty" and inserting in lieu thereof the following: "**twenty-five**".

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HB 229--Corrections and General Laws.

HCS for **HBs 87** and **264**--Local Government and Economic Development.

HB 259--Commerce and Environment.

HB 342--Appropriations.

HCS for **HB 114**--Ways and Means.

HCS for **HB 538**--Education.

HCS for **HB 589**--Local Government and Economic Development.

HCS for **HB 620**--Local Government and Economic Development.

HB 491--Ways and Means.

HB 32--Public Health and Welfare.

HB 34--Ways and Means.

HCS for HB 356--Elections, Pensions and Veterans' Affairs.

HCS for HB 450--Labor and Industrial Relations.

HCS for HBs 424 and 534--Agriculture, Conservation, Parks and Tourism.

HB 59--Judiciary.

HB 327--Agriculture, Conservation, Parks and Tourism.

HB 150--Agriculture, Conservation, Parks and Tourism.

HB 172--Elections, Pensions and Veterans' Affairs.

HB 626--Insurance and Housing.

HB 387--Financial and Governmental Organization.

HB 244--Transportation.

HB 319--Insurance and Housing.

HB 95--Local Government and Economic Development.

HB 651--Local Government and Economic Development.

HB 300--Civil and Criminal Jurisprudence.

HB 104--Civil and Criminal Jurisprudence.

HB 250--Education.

HB 309--Public Health and Welfare.

HB 610--Financial and Governmental Organization.

HB 265--Judiciary.

HB 88--Judiciary.

HB 520--Financial and Governmental Organization.

HB 213--Commerce and Environment.

HB 438--Appropriations.

HB 207--Transportation.

HB 123--Transportation.

HB 566--Transportation.

HCS for HJR 9--Education.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 444, regarding Clifford James "Jim" Williams, which was adopted.

Senator Schneider offered Senate Resolution No. 445, regarding the One Hundred First Birthday of Mary Barry, which was adopted.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

February 17, 1997

Ms. Terry Spieler

Secretary of the Senate

Capitol Bldg., Room 325

Jefferson City, MO 65101

Dear Terry:

Due to the illness and absence of Senator Phil Curls, I am temporarily appointing Senator Danny Staples to replace Senator Curls as a member of the Senate Appropriations Committee.

Please modify your records to reflect this change.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Cullen, Fred and Chris May, Springfield; and Chris and Cullen were made honorary pages.

Senator Caskey introduced to the Senate, his wife, Kay, Butler; Janet Borron, Kansas City; and Ray and Maureen Stone, Oxford, England.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIRST DAY--TUESDAY, MARCH 25, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, use us to make our world a safe place in which to live, where our young people can live out their dreams, write their poetry and compose their songs. Use us to provide a way off the streets for gangs and a way out of poverty for the poor. Use us to bring all the people in to the good life. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 446, regarding Betty J. Day, Jefferson City, which was adopted.

THIRD READING OF SENATE BILLS

SB 371, introduced by Senator Quick, entitled:

An Act relating to certain road districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Quick, **SB 371** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Childers	Graves--2
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Absent with leave--Senators

Curls	Jacob--2
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The President Pro Tem declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 416, introduced by Senator Klarich, entitled:

An Act relating to the conveyance of certain real property of the Missouri department of corrections located in St. Louis County.

Was called from the Consent Calendar and taken up.

On motion of Senator Klarich, **SB 416** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators--Graves--1

Absent with leave--Senators

Curls	Jacob--2
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The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

SB 353, with **SCA 1**, introduced by Senator Rohrbach, entitled:

An Act to amend chapter 67, RSMo, by adding three new sections relating to tourism for a certain city, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SB 353**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell

Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
Nays--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Curls	Jacob--2		

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
Nays--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Curls	Jacob--2		

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

Senator Staples assumed the Chair.

SB 402, with **SCS**, introduced by Senator Lybyer, entitled:

An Act to repeal section 197.400, RSMo 1994, and section 197.445, RSMo Supp. 1996, relating to the regulation of

home health agencies, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 402**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 402

An Act to repeal section 197.400, RSMo 1994, and section 197.445, RSMo Supp. 1996, relating to the regulation of home health agencies, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Lybyer moved that **SCS** for **SB 402** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **SB 402** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Bentley	Johnson--2
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Absent with leave--Senators

Curls	Jacob--2
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The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

Senator Quick announced that photographers from the Associated Press and the Senate had been given permission to take pictures in the Senate Chamber today.

SB 410, introduced by Senator Mathewson, entitled:

An Act to repeal section 407.950, RSMo Supp. 1996, relating to the wheelchair lemon law, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 410** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SB 373, with **SCS**, introduced by Senator Bentley, entitled:

An Act to repeal section 197.415, RSMo 1994, relating to licensing of home health agencies, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 373**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 373

An Act to repeal section 197.415, RSMo 1994, relating to licensing of home health agencies, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **SB 373** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **SB 373** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Schneider--1

Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 202**, **SB 23** and **SB 183**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Maxwell, **SS** for **SCS** for **SBs 202, 23** and **183**, as amended, was withdrawn.

Senator Maxwell offered **SS No. 2** for **SCS** for **SBs 202, 23** and **183**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 202, 23 and 183

An Act to repeal sections 96.230, 96.240, 96.250, 96.260, 96.270, 96.280, 96.290, 161.193, 167.260, 205.590, 205.600, 205.610, 205.620, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 205.765, 205.766, 205.767, 205.769, 205.770, 205.780, 205.790, 205.820, 205.830, 205.840, 205.850, 205.860, 205.870, 205.880, 205.890, 205.900, 205.910, 205.920, 205.930, 205.940, 205.950, 207.010, 207.090, 208.010, 208.015, 208.040, 208.041, 208.042, 208.043, 208.044, 208.047, 208.048, 208.050, 208.060, 208.075, 208.080, 208.120, 208.150, 208.160, 208.170, 208.180, 208.182, 208.325, 208.337, 208.339, 208.342, 208.345, 208.400, 208.405, 208.410, 208.415, 208.500, 208.503, 208.505, 210.245, 210.252, 210.256, 313.008, 473.399, 620.481, 620.521, 620.523, 620.527, 620.528, 620.529, 620.537, 660.016, 660.020, 660.023, and 660.026, RSMo 1994, and sections 135.240, 208.151, 210.221, 313.015, 313.057, 313.835 and 620.530, RSMo Supp. 1996, relating to public health and welfare, and to enact in lieu thereof sixty-nine new sections relating to the same subject.

Senator Maxwell moved that **SS No. 2** for **SCS** for **SBs 202, 23** and **183** be adopted.

Senator Bentley offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23, and 183, Pages 112-114, Section 313.835, by striking all of section and inserting in lieu thereof the following:

"313.835. All revenue received by the commission from license fees, penalties, administrative fees, reimbursement by any excursion gambling boat operators for services provided by the commission and admission fees authorized under the provisions of sections 313.800 to 313.850 shall be deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby created for the sole purpose of funding the administrative costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be considered proceeds of excursion gambling boat operations. Moneys deposited into the gaming commission fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission fund shall be credited to the gaming commission fund. Any appropriation from the state general revenue fund to fund expenses of the state gaming commission, other than funds from the gaming commission fund, shall be reimbursed to the general revenue fund by July 1, 1995. Beginning July 1, 1995, any excess moneys not already encumbered at the end of any fiscal year in the gaming commission fund shall be distributed in the following manner:

(1) The first five hundred thousand dollars shall be appropriated on a per capita basis to cities and counties that match the state portion and have demonstrated a need for funding community neighborhood organization programs for the homeless and to deter gang-related violence and crimes;

(2) Funding shall be appropriated as determined under section 167.260 for programs for those children ages three and four who are eligible for free and reduced price lunch;

[(2)] (3) Until July 1, 2000, the remaining unencumbered funds shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund", as hereby created in the state treasury. The state treasurer shall administer the veterans' commission capital improvement trust fund, and the moneys in such fund shall be used solely, upon appropriation, by the Missouri veterans' commission for the construction, maintenance or renovation of veterans' homes and cemeteries in this state. Any interest which accrues to the fund shall remain in the fund and shall be used in the same manner as moneys which are transferred to the fund pursuant to this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the veterans' commission capital improvement trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. Beginning July 1, 2000, the remaining unencumbered funds shall be transferred from the gaming commission fund to the state general revenue fund."

Senator Bentley moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem.

Senator Jacob raised a second point of order that Section 313.835 is out of order in that it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem.

President Pro Tem McKenna took the points of order raised by Senator Rohrbach and Senator Jacob under advisement, placing the bill on the Informal Calendar.

Senator Mathewson assumed the Chair.

Senator Caskey moved that **SB 361**, with **SS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Staples resumed the Chair.

At the request of Senator Caskey, **SB 361**, with **SS**, as amended (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem McKenna referred **SS** for **SCS** for **SB 165** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 410**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 361**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 361**, as amended, was again taken up.

Senator Jacob offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 361, Page 177, Section 2, Line 27 of said page, by inserting immediately after said line the following:

"Section 3. 1. Notwithstanding the provisions of subsection 1 of section 452.455, RSMo, or subsection 6 of section 452.370, RSMo, to the contrary, the court with jurisdiction may decline to exercise jurisdiction in any modification proceeding if such court finds that exercise of its jurisdiction would be clearly inconvenient to either party to the proceeding. The court shall consider the following factors in determining whether exercise of its jurisdiction would be clearly inconvenient:

(1) Place of residence of the parties;

(2) Location of witnesses; and

(3) The availability to either party of another, more convenient court with jurisdiction.

2. A finding that a court is a clearly inconvenient forum pursuant to subsection 1 of this section may be made upon the court's own motion or upon the motion of either party to the proceeding.

3. If the court finds that it is an inconvenient forum and that a court of another county is a more appropriate forum, it shall order a change of venue to the more appropriate forum and state the reasons for the change of venue. The clerk shall transmit the original papers, together with a transcript of all docket entries, to the clerk of the court to which the removal is ordered or the court may order the clerk to prepare a full transcript of the record and proceedings in the case, and transmit the same, duly certified, together with all the original papers in the civil action but not forming part of the record, to the clerk of the court to which the removal is ordered."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 361, Page 166, Section 454.1003, Lines 18 and 19, by striking the words: "or the director of the division of child support enforcement"; and

Amend line 25, by inserting after the word "license" the words: "if the court finds that the obligor is in contempt of a valid support order and that the obligor has the means and ability to pay"; and

Amend section 454.1005, page 168, line 24, by inserting after the word "suspend" the words "and that the obligor is in contempt of a valid support order and that the obligor has the means and ability to pay"; and

Amend on page 168, lines 7 to 12, by striking said lines; and amend line 27, by inserting after the word "order" the words "referred to in Section 454.1003.1.(2)".

Senator Schneider moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 361, Page 166, Section 454.1003, Lines 18-19 of said page, by striking the following: "**or the director of the division of child support enforcement**"; and

Further amend said bill, Page 168, Section 454.1005, Line 10 of said page, by striking the word "**or**" and inserting in lieu thereof the following: "**may enter an order, or the**"; and further amend said line, by inserting immediately after the word "**may**" the following: "**in a IV-D case file a motion with the court requesting an order and the court may,**

without further hearing,"; and

Further amend said bill, Page 169, Section 454.1005, Line 4 of said page, by inserting a comma "," immediately after the word "**court**"; and further amend said page, section and line, by inserting immediately after the word "**or**" the following: "**in an IV-D case the court, upon motion of the**"; and further amend said line, by inserting immediately after the word "**director**" the following: ","; and further amend line 6, by inserting immediately after the period "." the following: "**In a IV-D case, the court shall review the record of the hearing before the director and determine that competent and substantial evidence exists in the record to support the director's decision before issuing the order.**"; and further amend lines 12-13, by striking the following: "**pursuant to chapter 536, RSMo**" and inserting in lieu thereof the following: "**as provided for in this section**"; and

Further amend said bill, Page 170, Section 454.1008, Line 1 of said page, by striking the words "**or the director**"; and further amend line 7 of said page, by striking the words "**or the director**".

Senator Caskey moved that the above substitute amendment be adopted.

At the request of Senator Caskey, **SB 361**, with **SS**, **SA 4** and **SSA 1** for **SA 4** (pending), was placed on the Informal Calendar.

Senator Mathewson resumed the Chair.

Senator Rohrbach withdrew his point of order on **SA 1** to **SS No. 2** for **SCS** for **SBs 202, 23** and **183**.

Senator Jacob withdrew his point of order on Section 313.835 of **SS No. 2** for **SCS** for **SBs 202, 23** and **183**.

At the request of Senator Bentley, **SA 1** was withdrawn.

SS No. 2 for **SCS** for **SBs 202, 23** and **183** was again taken up.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Pages 106-114, Section 313.008, Line 24, by deleting sections 313.008, 313.015, 313.057, and 313.835, and further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 11, Section 3, Line 9, by inserting after the word, "disabilities" the following: "**or other incapacity as determined by the department**".

Senator Wiggins moved that the above amendment be adopted.

Senator Rohrbach offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 11,

Section 3, Line 9, by inserting after the word, "disabilities", the following: **"or other incapacity as determined by the department. Funding for this program must be appropriated as a separate item in the budget for the department.**

This subsection will expire on January 1, 2005."

Senator Rohrbach moved that the above substitute amendment be adopted.

At the request of Senator Rohrbach, **SSA 1** for **SA 3** was withdrawn.

At the request of Senator Wiggins, **SA 3** was withdrawn.

Senator Johnson resumed the Chair.

Senator Russell offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23, and 183, Page 30, Section 20, Line 27 of said page, by inserting immediately after all of said line the following:

"5. Any person receiving public assistance benefits pursuant to chapter 208, RSMo, is deemed to have consented to a drug test to detect the use of controlled substances. Such test may be requested by the director of the department of social services. Any public assistance recipient who is found to have tested positive for the use of a controlled substance, which was not prescribed for such recipient by a licensed physician or dentist, shall, after an administrative hearing conducted pursuant to the provisions of chapter 536, RSMo, be declared ineligible for all public assistance benefits of a period of three years from the date of the administrative hearing.

6. The director shall promulgate rules to effectuate the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."

Senator Russell moved that the above amendment be adopted.

Senator Russell requested a roll call vote be taken and was joined in his request by Senators Kenney, Rohrbach, Singleton and Westfall.

SA 4 failed of adoption by the following vote:

Yeas--Senators

Bentley	Childers	DePasco	Ehlmann
Flotron	Graves	Kenney	Kinder
Klarich	Lybyer	Mueller	Rohrbach
Russell	Scott	Singleton	Westfall
Yeckel--17			

Nays--Senators

Banks	Caskey	Clay	Curls
Goode	House	Howard	Jacob
Johnson	Mathewson	Maxwell	McKenna

Quick Schneider Sims Staples
Wiggins--17

Absent--Senators--None

Absent with leave--Senators--None

Senator Yeckel offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23, and 183, Page 45, Section 31, Line 9 of said page, by inserting immediately after all of said line the following:

"Section 32. 1. The department in conjunction with community colleges and vocational schools shall develop pilot programs utilizing a coordinated approach to enable welfare recipients to obtain an education that leads to permanent full-time employment with benefits while ensuring that they meet the work participation requirements under the 1996 Personal Responsibility and Work Opportunity Reconciliation Act.

2. At least one pilot program shall be established with a community college and at least one with a vocational school. The pilot programs shall include activities in which will count towards the work participation rate such as:

(1) Work/study employment;

(2) Cooperative work experience where students earn units of college credit for their work;

(3) Internships where students obtain practical work experience in the occupational field in which they are training;

(4) Community service programs where students perform community service work in their field of study while earning a stipend for future continued education; and

(5) Work opportunity agreements where students who participate in a work opportunity program with private business are guaranteed employment in the field of their training at the successful completion of their education.

3. Community college and vocational school staff will coordinate services for students.

4. Subsidized child care will be provided while welfare recipients are attending college, vocational school and participating in work activities.

5. The department shall contract for independent evaluation of the pilot programs and report to the legislature annually."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

President Pro Tem McKenna resumed the Chair.

Senator Lybyer offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 8, Section 3, Line 14, by deleting the words "one hundred percent" and insert in lieu thereof the following "**eighty percent**"; and further amend said bill and section on line 18, by deleting the words "one hundred percent" and insert in lieu thereof the following "**eighty percent**"; and further amend said bill and section on line 22, by inserting a "." after the word "amended" and delete the rest of said line and all of lines 23-25.

Senator Lybyer moved that the above amendment be adopted.

At the request of Senator Maxwell, **SB 202**, **SB 23** and **SB 183**, with **SCS**, **SS No. 2** for **SCS** and **SA 6** (pending), were placed on the Informal Calendar.

Senator Caskey moved that **SB 361**, with **SS**, **SA 4** and **SSA 1** for **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Caskey, **SSA 1** for **SA 4** was withdrawn.

Senator Schneider requested unanimous consent of the Senate to change the word "contempt" to "violation" in **SA 4**, which request was granted.

Senator Schneider moved that **SA 4** be adopted, which motion prevailed.

Senator Schneider offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 361, Page 166, Section 454.1003, Line 27, by inserting a comma after the word: "fails" and inserting the words: "without good cause,".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SS** for **SB 361**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **SB 361**, as amended, was declared perfected and ordered printed.

Senator Scott moved that **SB 291**, with **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Scott, **SB 291**, with **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 797**, entitled:

An Act to repeal section 171.033, RSMo 1994, relating to school attendance, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 386**, entitled:

An Act relating to public nuisances.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 379**, entitled:

An Act to repeal sections 306.031, 306.060, 306.122, 306.125, 306.126, 306.142, 306.147, 306.221, 306.550 and 306.903, RSMo Supp. 1996, relating to watercraft, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 612**, entitled:

An Act to repeal sections 169.440 and 169.466, RSMo Supp. 1996, relating to certain teacher and school employee retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 447, regarding Brian Christopher Foerstel, Fenton, which was adopted.

Senator Klarich offered Senate Resolution No. 448, regarding Mr. Lloyd Lofting, St. Clair, which was adopted.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

March 25, 1997

Ms. Terry Spieler

Secretary of Missouri Senate

Capitol Building, Room 325

Jefferson City, MO 65101

Dear Madam Secretary:

As Senator Phil Curls has returned I am putting him back on the Appropriations Committee and removing Senator Danny Staples who had replaced him.

If you have any questions or concerns please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Andrea Essner, Dexter; and Andrea was made an honorary page.

Senator Mathewson introduced to the Senate, Becky Platner, Grand Pass.

Senator Sims introduced to the Senate, Amy Hearn, and Krystal and Nicole Burch, St. Louis; and Amy, Krystal and Nicole were made honorary pages.

Senator Flotron introduced to the Senate, Lydia Hasekamp, Marian Lightfoot, Kay Simones, Aline Newman and Alice Vitello, St. Louis.

Senator Mueller introduced to the Senate, Gene and Silvia Bowling and their granddaughter, Michelle Loos, St. Louis; and Michelle was made an honorary page.

Senator Caskey introduced to the Senate, Violet Corbett, Knob Noster; Amy Stewart, Warrensburg; and Heather Reese, Centerville.

Senator Ehlmann introduced to the Senate, his mother, Beulah Ehlmann, Becky Malawey, and her daughter, Natalie, Ruth Bruns, Elinor Buzan, Maggie Gross and Pat Buravik, St. Charles County.

Senator Yeckel introduced to the Senate, Girl Scout Troop 3085, Truman Elementary School, St. Louis; and Sarah Baumgartner, Cassie Rocco, Lauren Begany and Katie Ellison were made honorary pages.

Senator Childers introduced to the Senate, Roy Jones, Gainesville; Loy Shortt, Ava; Jerry Hoymeyer, Reeds Spring; and John Lewis, Branson.

Senator Klarich introduced to the Senate, William Diez, and his wife, Imogene, Beaufort; Alice Merrill and Virginia Froelker, Gerald; Carolyn Sansone-Webb, Union; Sue Luedde, Villa Ridge; and Anna Marie Lippert, Union.

Senator Lybyer introduced to the Senate, Kelly Moncrief, Licking; and Kelly was made an honorary page.

Senator Sims introduced to the Senate, Catherine Amery Brown, Creve Coeur; and Catherine was made an honorary page.

Senator McKenna introduced to the Senate, Mike and Linda Rice, and their children, Heather, Joanna and Joel Rice, Homeschoolers from House Springs; and Heather, Joanna and Joel were made honorary pages.

Senator Yeckel introduced to the Senate, Holly Brand, St. Louis; and Anke Scheibler, Germany.

Senator Childers introduced to the Senate, Allison Casper, Monett; and Allison was made an honorary page.

Senator Westfall introduced to the Senate, LaRue Lemon, Lockwood.

Senator Johnson introduced to the Senate, Barbara Kay Yost, Parkville; and Barbara Kay was made an honorary page.

Senator Kenney introduced to the Senate, Janelle Meyer, Owensville; and Natalie Norlund, Blue Springs.

Senator McKenna introduced to the Senate, Jackie Wills, and forty eighth grade students from Crystal City Junior High School, Crystal City.

Senator Klarich introduced to the Senate, Dr. Charles Portwood, Manchester; Dr. John Simmons, Washington; Kimberly Miller, O'Fallon; Kevin Howard, Ballwin; and Paul Brown, St. Louis.

Senator Yeckel introduced to the Senate, Joanne Breckenridge and Jeanne Hacker, St. Louis.

Senator Westfall introduced to the Senate, Rachell Hawks, Greenfield; and Carman Vandergrift, Everton.

Senator Caskey introduced to the Senate, Jay and Sheila Knight, and Don and Barbara Donnohue, Appleton City.

Senator Klarich introduced to the Senate, Kevin and Robbie Brouk, Franklin County.

Senator Schneider introduced to the Senate, Sara Besserman, Florissant; and Sara was made an honorary page.

Senator Quick introduced to the Senate, Ms. Wendy Schirmer, and twenty-three Girl Scouts from Gladstone.

Senator Singleton introduced to the Senate, Epic Haddock, Neosho.

On behalf of Senator Johnson, the President introduced to the Senate, Pam Canterbury, and Juniors from St. Joseph Youth Academy, St. Joseph; and Angela Korte, Kylee Dillon, Matt Spalding, Jeremy Kerns and Bryan Metzinger were made honorary pages.

Senator Schneider introduced to the Senate, Kathy Schroeder, and students from St. Angela Merici School, St. Louis; and Elizabeth Rupp, Jeffrey Scott and Kyle Lundry were made honorary pages.

Senator Howard introduced to the Senate, Mary Burton, Anna, Illinois.

Senator Caskey introduced to the Senate, Michael Bersin, Joan Ferguson and Gary Grigsby, Warrensburg.

Senator Wiggins introduced to the Senate, Buck O'Neill, Don Motley, Ray Doswell, Julie Lindsay and George Bulady, Kansas City.

Senator Klarich introduced to the Senate, Marty DeMay, Chesterfield; Patti Ledford, Belton; Susie Freece, Lathrop; and Barbara O'Connor, Cameron.

Senator Johnson introduced to the Senate, Sarah Russell, St. Joseph.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SECOND DAY--WEDNESDAY, MARCH 26, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, for every sunrise and sunset, for every friend who is there when we need them, for every good gift, we give You thanks. For every teaching of Jesus, for every kind deed He did, for everything He did 2000 years ago this week, we give You thanks. Use our life to make a difference. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Sims offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 449

WHEREAS, from time to time the members of the Missouri Senate suspend the work of creating laws to recognize the meritorious endeavors of outstanding state employees, a most delightful task which this legislative body embraces with great enthusiasm; and

WHEREAS, Betty J. Day is retiring from her position as Administrative Assistant to Senator Betty Sims after twenty-five years of dedicated service to the great State of Missouri; and

WHEREAS, Betty Day is known, admired, and respected for the professional, conscientious, and skilled manner in which she faithfully performs all of her significant duties and responsibilities with a helpful attitude and contagious smile; and

WHEREAS, a graduate of the University of Missouri-Columbia, Betty Day has distinguished herself as a member of the Missouri Board of Probation and Parole, as Extradition Officer to Governors Bond and Ashcroft, as Treasurer of the National Association of Extradition Officials, as Executive Secretary to Judge Albert L. Rendlen of the Missouri Supreme Court, and as Extradition Assistant and Secretary to the Counsel to Governor Bond; and

WHEREAS, better known as the "perpetual snack lady", Betty Day once found herself in quite a quandary: she could not use her air conditioner and her oven at the same time because of the home's wiring configuration - a situation which caused her to quit cooking in the oven and begin using it for storing cookies and other goodies; and

WHEREAS, a lady who will be greatly missed by her co-workers at the capitol, Betty Day has never met a person, place, or thing she could not talk to, maintains a full array of color-coordinated sets of lingerie, and truly believes that "home-made" gravy comes in a can; and

WHEREAS, Betty Day has been richly blessed with the love and affection of her wonderful family which includes her devoted husband, Tom; their three fine sons, Patrick, Mike, and Steve; and their three delightful grandsons:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join in expressing our most sincere appreciation to Betty J. Day for her twenty-five years of unparalleled service and in wishing her the long, enjoyable, and fruitful retirement she so richly deserves; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mrs. Betty J. Day.

THIRD READING OF SENATE BILLS

SB 395, introduced by Senator Kinder, entitled:

An Act to repeal section 77.650, RSMo 1994, relating to recall of elected officials, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Kinder, **SB 395** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Clay Curls Graves Jacob--4

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 331, with **SCS**, introduced by Senator Wiggins, entitled:

An Act to repeal section 144.062, RSMo 1994, relating to certain sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 331**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 331

An Act to repeal section 144.062, RSMo 1994, relating to certain sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 331** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SB 331** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay Jacob--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 212, with **SCA 1**, introduced by Senator Wiggins, et al, entitled:

An Act to repeal section 92.402, RSMo Supp. 1996, relating to transportation sales taxes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wiggins, **SB 212**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay Jacob--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 389, with **SCA 1**, introduced by Senator Johnson, entitled:

An Act to repeal section 104.110, RSMo Supp. 1996, relating to the highways and transportation employees' and highway patrol retirement system, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Johnson, **SB 389**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SB 408, with **SCS**, introduced by Senator Jacob, entitled:

An Act relating to energy costs.

Was called from the Consent Calendar and taken up.

SCS for **SB 408**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 408

An Act relating to energy costs.

Was taken up.

Senator Jacob moved that **SCS** for **SB 408** be adopted, which motion prevailed.

On motion of Senator Jacob, **SCS** for **SB 408** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SB 362, with **SCA 1**, introduced by Senator Russell, entitled:

An Act to repeal sections 104.010, 104.340, 104.350, 104.371, 104.372, 104.374, 104.401, 104.420, 104.470, 104.490, 104.519, 104.602, 104.612, 104.620, 105.691, 287.812, 287.835, 287.845, 476.480, 476.520, 476.530,

476.555, 476.580 and 476.595, RSMo 1994, and sections 104.312, 104.335, 104.395, 104.410, 104.517, 104.530, 104.800, 476.515 and 476.690, RSMo Supp. 1996, relating to certain state retirement systems, and to enact in lieu thereof thirty-three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Russell, **SB 362**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay	Flotron	Quick--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 358, introduced by Senator Rohrbach, entitled:

An Act to repeal section 210.150, RSMo 1994, relating to the release of records by the division of family services, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Rohrbach, **SB 358** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 437, introduced by Senator Wiggins, entitled:

An Act to repeal section 107.170, RSMo Supp. 1996, relating to public works contracts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 437** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall

Wiggins Yeckel--34

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SB 357, with **SCS**, introduced by Senator Howard, entitled:

An Act to repeal section 278.080, RSMo Supp. 1996, as enacted by senate bill 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1996, as enacted by senate bill 65 of the first regular session of the eighty-eighth general assembly, relating to the state soil and water districts commission, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 357**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 357

An Act to repeal section 278.080, RSMo Supp. 1996, as enacted by senate bill 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1996, as enacted by senate bill 65 of the first regular session of the eighty-eighth general assembly, relating to the state soil and water districts commission, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Howard moved that **SCS** for **SB 357** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SB 357** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick

Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Staples--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Staples--1

Absent with leave--Senators--None

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Quick announced that the Associated Press had been given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 202**, **SB 23** and **SB 183**, with **SCS**, **SS No. 2** for **SCS** and **SA 6** (pending), be called

from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 6 was again taken up.

Senator Lybyer offered **SSA 1** for **SA 6**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 10, Section 3, Line 6 of said page, by inserting immediately after the word "Missouri" the words "**General Revenue**"; and further amend line 12 of said page, by inserting immediately after said line the following: "**Eighty percent of such moneys deposited in the fund shall be appropriated for the qualified state expenditures provided in section 3, subsection 2 of this act. The remaining twenty percent shall remain in the fund subject to appropriation at the sole discretion of the general assembly.**"; and

Further amend said bill, section 3, page 11, line 9 of said page, by inserting immediately after said line the following:

"7. The provisions of this section shall expire on June 30, 2002."; and

Further amend the title accordingly.

Senator Lybyer moved that the above substitute amendment be adopted, which motion prevailed.

Senator Howard assumed the Chair.

At the request of Senator Maxwell, **SB 202**, **SB 23** and **SB 183**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), were placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HB 211, with **SCA 1**, introduced by Representative Williams (159th), et al, entitled:

An Act to repeal sections 266.152, 266.160, 266.165, 266.170, 266.175, 266.180, 266.185, 266.190, 266.200, 266.205, 266.210, 266.220, 276.401, 276.411, 276.421, 276.423, 276.426, 276.436, 276.441, 276.456, 276.461, 276.471, 276.486, 276.491, 276.501, 276.506, 276.511, 276.516, 411.115, 411.131, 411.180, 411.260, 411.261, 411.271, 411.278, 411.280, 411.283, 411.287, 411.321, 411.323, 411.325, 411.391, 411.405, 411.471, 411.517, 411.518 and 411.519, RSMo 1994, and sections 266.195, 411.026 and 411.070, RSMo Supp. 1996, relating to agricultural products, and to enact in lieu thereof forty-nine new sections relating to the same subject, with penalty provisions, an emergency clause and an effective date for certain sections.

Was taken up by Senator Johnson.

SCA 1 was taken up.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator Johnson was recognized to close.

President Pro Tem McKenna referred **HB 211**, as amended, to the Committee on State Budget Control.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 291**, with **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Rohrbach, the above amendment was withdrawn.

Senator Scott offered **SS** for **SCS** for **SB 291**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 291

An Act to repeal sections 339.503, 339.505, 339.507, 339.511, 339.515, 339.517, 339.519, 339.523, 339.525, 339.529, 339.530 and 339.532, RSMo 1994, relating to real estate appraisers and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

Senator Scott moved that **SS** for **SCS** for **SB 291** be adopted.

At the request of Senator Scott, **SB 291**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Staples.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 450, regarding Michael Butts, Carthage, which was adopted.

Senator Goode offered Senate Resolution No. 451, regarding the Fiftieth Birthday of Susan Marie Lewis, Jefferson City, which was adopted.

THIRD READING OF SENATE BILLS

SB 218, introduced by Senator Howard, entitled:

An Act to amend section 221.405, RSMo 1994, relating to regional jail districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Howard, **SB 218** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Wiggins

Yeckel--29

Nays--Senators

Caskey Westfall--2

Absent--Senators

Clay Curls Johnson--3

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SB 398, introduced by Senator Bentley, entitled:

An Act to authorize the governor to convey certain property of Southwest Missouri State University in Greene County, Missouri, to the city of Springfield.

Was called from the Consent Calendar and taken up.

On motion of Senator Bentley, **SB 398** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay Curls Schneider--3

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 202, SB 23 and SB 183**, with **SCS and SS No. 2 for SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Wiggins offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 5, Section 1, Line 17, by inserting before the word "county" the following "**age, physical or mental disability, incapacity to work as provided in section 3.7,**"; and

Further amend said bill, page 11, section 3, line 9, by inserting at the end thereof a new subsection to read as follows:

"7. The Missouri General Revenue maintenance of effort fund may also be used to provide assistance by establishing criteria for a state only funded program when the adult population served are not able to meet the federal work requirements due to incapacity of the adult to work because of the incapacity of the adult caretaker or the caretaker's dependent as determined by the department by rule. Beginning fiscal year 1999 the funding for this subsection shall be appropriated as a separate item."

Senator Wiggins moved that the above amendment be adopted.

Senator Rohrbach offered **SA 1 to SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 1, Section 3, Line 10, by inserting at the end of subsection 7 the following: "**The provisions of this subsection shall expire on January 1, 2005.**".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

SA 7, as amended, was again taken up.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 30, Section 20, Line 8, by inserting immediately after the word "2." the following, "(1)"; and

Further amend said bill, line 12, by inserting immediately after the word "for" the following: "a minimum of 30 days but"; and

Further amend said bill, line 13, by inserting after said line the following:

"(2) A second or subsequent denial of employment for failing a second or subsequent controlled substance screening and failure to become employed within sixty days of the screening shall result in a sanction of the work first program benefits and food stamp benefits for the household for a minimum of sixty days but not more than one hundred twenty days unless the department locates payment resources for drug rehabilitation."

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 24, Section 14, Lines 12-16, by striking said lines and inserting in lieu thereof, the following:

"3. If a recipient voluntarily leaves the program within the first three months, such recipient shall be given the opportunity to prove a good cause for doing so. When good cause can be established, the recipient may be eligible for an extension or assistance to remove a barrier to self-sufficiency. If no good cause for the recipient's action is proven, a recalculation of the benefits for the household shall be made without considering the needs of the caretaker recipient. The suspension of caretaker benefits shall continue until the amount suspended equals the extra benefits received."

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 31, Section 21, Line 14, by inserting at the end of said line the following:

"Prior to imposing a sanction, the department shall make a reasonable effort to resolve disputes when a recipient of benefits through the work first program fails to meet the program requirements. Reasonable efforts shall include a written notice to the recipient of an intent to sanction. The notice shall include actions the recipient may take to avoid sanctions, an offer to discuss barriers to participation and, if appropriate, alternative program provisions that may be incorporated in an individual responsibility plan."

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 26, Section 16, Line 7, by inserting, immediately at the end of said line, the following:

"The income levels and resource limits which qualify a family for benefits shall be determined by the department, shall be no more restrictive than those in place on August 22, 1996, for the aid to families with dependent children program, and shall be uniformly applied throughout the state."

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 24, Section 15, Line 25, by deleting the ";" at the end of said line, and inserting in lieu thereof the following:

", and a United States citizen or a legal immigrant who resided in the United States prior to August 22, 1996; however, qualified legal aliens shall be allowed to apply for and receive public assistance funded through the federal TANF block grant program;"

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Russell offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 30, Section 20, Line 27 of said page, by inserting immediately after all of said line the following:

"5. Any person receiving public assistance benefits pursuant to chapter 208, RSMo, is deemed to have consented to a drug test to detect the use of controlled substances. Such test may be requested by the director of the department of social services. Any public assistance recipient who is found to have tested positive for the use of a controlled substance, which was not prescribed for such recipient by a licensed physician or dentist, may, after an administrative hearing conducted pursuant to the provisions of chapter 536, RSMo, be declared ineligible as determined by the department director or his designee, for some or all public assistance benefits of a period up to one year from the date of the administrative hearing.

6. The director shall promulgate rules to effectuate the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Rohrbach offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 3, Section 1, Lines 18-20 of said page, by deleting all of said lines.

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Rohrbach, **SA 14** was withdrawn.

Senator Johnson resumed the Chair.

Senator Rohrbach offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 4, Section 1, Line 13 of said page, by deleting all of said lines; and

Further amend said bill, page and section, lines 16 and 17 of said page, by deleting all of said lines.

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

At the request of Senator Maxwell, **SB 202**, **SB 23**, and **SB 183**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 604**, entitled:

An Act to repeal section 165.011, RSMo Supp. 1996, relating to guaranteed energy saving performance contracts for schools, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 791**, entitled:

An Act to repeal section 493.050, RSMo 1994, relating to publication of legal notices, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 521**, entitled:

An Act to repeal sections 162.191, 162.222, 162.223 and 162.241, RSMo 1994, relating to school districts, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 543**, entitled:

An Act to repeal sections 104.010, 104.340, 104.350, 104.371, 104.372, 104.374, 104.401, 104.420, 104.470, 104.490, 104.519, 104.602, 104.612, 104.620, 105.691, 287.812, 287.835, 287.845, 476.480, 476.520, 476.530, 476.555, 476.580 and 476.595, RSMo 1994, and sections 104.312, 104.335, 104.395, 104.410, 104.517, 104.530, 104.800, 476.515 and 476.690, RSMo Supp. 1996, relating to certain state retirement systems, and to enact in lieu thereof thirty-three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 482**, entitled:

An Act to repeal section 169.712, RSMo 1994, and sections 169.010, 169.040, 169.050, 169.070, 169.075, 169.600, 169.620, 169.630, 169.660 and 169.670, RSMo Supp. 1996, relating to certain school retirement systems, and to enact in lieu thereof eleven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 169**, entitled:

An Act to repeal section 169.595, RSMo 1994, and sections 169.315, 169.326, 169.328, 169.570 and 169.577, RSMo Supp. 1996, relating to the public school retirement systems, and to enact in lieu thereof six new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 628**, entitled:

An Act to repeal section 162.431, RSMo 1994, relating to changing boundaries of school districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 689**, entitled:

An Act to repeal section 99.340, RSMo 1994, relating to land clearance for redevelopment authority commissioners, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 41**, entitled:

An Act to repeal sections 115.615 and 115.621, RSMo 1994, relating to certain political party committees, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 343**, entitled:

An Act to repeal section 453.080, RSMo 1994, relating to adoption, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 622**, entitled:

An Act to repeal sections 376.562, 377.080 and 377.310, RSMo 1994, relating to certain charitable organizations, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 249**, entitled:

An Act to repeal sections 190.305 and 190.329, RSMo Supp. 1996, relating to emergency telephone service, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 655**, entitled:

An Act to repeal sections 347.015 and 358.150, RSMo Supp. 1996, relating to business entities, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 125**, entitled:

An Act to repeal section 85.541, RSMo 1994, relating to certain municipal police departments, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 652**, entitled:

An Act to repeal section 33.103, RSMo 1994, relating to certain deductions from state employees' compensation, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 609**, entitled:

An Act relating to special road districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 793**, entitled:

An Act to repeal section 375.355, RSMo 1994, relating to insurance companies, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 761**, entitled:

An Act to repeal section 115.017, RSMo 1994, relating to election commissioners, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 709**, entitled:

An Act relating to publicly owned sewer treatment works, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 31**, entitled:

An Act to repeal section 89.142, RSMo 1994, relating to peripheral zoning, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 700**, entitled:

An Act to amend chapter 10, RSMo, relating to official state emblems by adding thereto two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 63**, entitled:

An Act to repeal section 311.300, RSMo Supp. 1996, relating to certain businesses licensed to sell intoxicating liquor or nonintoxicating beer, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HB 124**, entitled:

An Act to repeal section 301.463, RSMo Supp. 1996, relating to children's trust fund special license plates, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 318**, entitled:

An Act to repeal section 34.140, RSMo 1994, relating to volunteer fire protection associations, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 711**, entitled:

An Act to repeal section 81.070, RSMo 1994, relating to election and appointment of certain municipal officials, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 394**, entitled:

An Act to repeal section 301.131, RSMo Supp. 1996, relating to motor vehicle license plates, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 727**, entitled:

An Act to repeal section 559.021, RSMo 1994, relating to community service, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 202, SB 23 and SB 183**, with **SCS and SS No. 2 for SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Banks offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 7, Section 1, Line 19 of said page, by inserting immediately after said line the following:

"16. 1. There is hereby established a joint committee of the general assembly to be known as the "Joint Legislative Welfare Reform and TANF Block Grant Oversight Committee". Such committee shall be composed of seven members of the senate, no more than two of which shall be members of the senate appropriations committee, appointed by the president pro tem of the senate, and seven members of the house of representatives, no more than two of which shall be members of the house budget committee, appointed by the speaker of the house. The appointment of each member shall continue during his or her term of office as a member of the general assembly or until a successor has been duly appointed to fill his or her place when such term of office as a member of the general assembly has expired. The joint committee shall meet at least biannually. Committee members shall receive no additional compensation, but shall be reimbursed for reasonable and necessary expenses related to fulfilling the duties of the committee. Such expenses shall be paid from the joint contingency fund. No more than four members of the senate and four members of the house shall be from the same political party. A majority of the members shall constitute a quorum.

2. The joint committee may, within the limits of its appropriations, employ such persons necessary to carry out its duties. The compensation of such personnel shall be paid from the joint contingency fund. The joint committee may, within limits of appropriations for that purpose enter into contracts to provide such professional, legal or technical assistance as may be necessary for it to perform its functions.

3. The duties of the joint committee shall include, but may not be limited to:

(1) Monitoring the design and implementation of the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;

(2) An annual review of the implementation of the state waivers and recommendations based upon such review submitted to the president pro tem of the senate and the speaker of the house of representatives regarding the continuance or discontinuance of such waivers;

(3) An annual evaluation of the funding levels, based upon the information provided by the department with recommendations submitted to the president pro tem of the senate, speaker of the house of representatives, chair of the senate appropriations committee and chair of the house budget committee regarding appropriate levels of funding for the families work act;

(4) Based on the analysis of the statewide data base of public assistance recipients provided by the department, make recommendations to the president pro tem of the senate and speaker of the house of representatives about which categories of needy individuals and families to exempt from the work participation requirements pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;

(5) Making recommendations for administrative or procedural changes in the internal management or organization of the state agencies which provide or regulate public assistance programs;

(6) Compiling a report of its activities to be submitted to the members of the general assembly and the governor not later than January fifteenth of each year;

(7) Any state funded agency which provides or regulates health care services shall cooperate with and assist the joint committee in the performance of its duties and shall make available all books, records and information as requested by the joint committee; and

(8) The joint committee shall have the power to subpoena witnesses, take testimony under oath, compel the attendance of witnesses, the giving of testimony and the production of records."

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 17:**

SENATE AMENDMENT NO. 17

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23, and 183, Page 45, Section 31, Line 9 of said page, by inserting immediately after all of said line the following:

"Section 32. 1. The delegation of authority to the department of social services to propose to the general assembly rules or regulations pursuant to this act is contingent upon the department complying with the provisions of this section and this delegation of legislative power to the department to promulgate proposed rules and proposed orders of rulemaking that have the effect of substantive law, other than rules relating to the department's organization and internal management, is contingent and dependent upon the power of the general assembly to review proposed orders of rulemaking, to delay the effective date of the proposed final order of rulemaking until thirty legislative days after such rule is filed with the general assembly and the secretary of state, and to disapprove any rule or portion thereof as provided herein.

2. No rule or portion of a rule that has the effect of substantive law, and is promulgated under this section shall become effective until it has been reviewed by the general assembly in accordance with the procedures provided herein and the department's authority to propose rules is dependent upon the power of the general assembly to review and disapprove any such proposed rule or portion thereof by concurrent resolution adopted in accordance with the provisions of article IV, section 8 of the Missouri constitution.

3. The department may promulgate a proposed rule by complying with the procedures provided in section 536.021, RSMo, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy to the joint committee on administrative rules which may hold hearings upon any proposed rule or portion thereof at any time. The department shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information as may be requested.

4. Except as otherwise provided herein, the department shall comply with the provisions of section 536.021, RSMo, except that the department may file a proposed order of rulemaking with the secretary of state only by first filing a copy thereof with the general assembly and thereafter providing a copy to the secretary of the senate and the clerk of the house of representatives. The president pro tem of the senate shall direct that a copy of the proposed order of rulemaking be delivered to the director of the joint committee on administrative rules.

5. The proposed order of rulemaking shall not become effective until thirty legislative days after such proposed final order of rulemaking has been filed with the secretary of state. The joint committee on administrative rules may hold one or more hearings upon such proposed final order of rulemaking.

6. The committee may, by majority vote of its members, recommend that the general assembly disapprove any rule or portion thereof, after hearings and upon a finding that such rule or portion thereof is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity, and that such rule or portion of a rule should be disapproved for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;**
- (2) An emergency relating to public health, safety or welfare;**

(3) The proposed rule is in conflict with state law;

(4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based;

(5) The proposed rule is arbitrary and capricious.

Upon such action by the committee, the general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and hold ineffective any rule or portion thereof upon the grounds stated in this subsection. If a concurrent resolution is adopted and presented to the governor pursuant to article IV, section 8 of the Missouri constitution, the secretary of state shall publish in the Missouri Register, as soon as practicable, a notice amending the order of rulemaking as provided.

7. The secretary of state may publish the proposed order of rulemaking as soon as practicable after the expiration of thirty legislative days.

8. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable and the delegation of authority to propose a final order of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly to review, to delay the effective date, to disapprove, or hold ineffective a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule promulgated under such purported rulemaking authority delegated to the department by this act shall be invalid and void.

9. Nothing in this section shall prevent the general assembly from adopting by bill the rules proposed by the department by reference to said rules. In that event, the rules proposed by the department in any order of rulemaking shall be held for naught and only such rules as are adopted by the general assembly shall become effective as submitted to the governor by bill. In that event, the secretary of state shall not publish the proposed order of rulemaking and said proposed order of rulemaking shall be invalid and held for naught."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Flotron offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23, and 183, Page 5, Section 1, Line 9 of said page, by inserting immediately after "RSMo" the following: ", and subject to the following provisions:

(1) For purposes of this section, a "substantive" rule shall be defined as an action of the agency which has the effect of creating a legal right, liability, obligation or sanction;

(2) All substantive rules promulgated pursuant to the provisions of this section, and all substantive rulemaking authority authorized by this section, shall expire on August 31, 1998".

Senator Flotron moved that the above amendment be adopted.

Senator Flotron offered **SA 1 to SA 18**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 18

Amend Senate Amendment No. 18 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 202, 23, and 183, Page 1, Section 1 of said amendment, by inserting immediately after the last line the following:

"(3) In any action challenging any substantive rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such substantive rule shall be required to prove by a preponderance of the evidence that the substantive rule or threatened application of the substantive rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious;

(4) The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails against the agency in such action; and".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

SA 18, as amended, was again taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered SA 19:

SENATE AMENDMENT NO. 19

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23, and 183, Page 8, Section 2, Line 4 of said page, by inserting immediately after "accounts." the following: **"For the purposes of this section:**

(1) A "substantive" rule shall be defined as an action of the agency which has the effect of creating a legal right, liability, obligation or sanction;

(2) All substantive rules promulgated pursuant to the provisions of this section, and all substantive rulemaking authority authorized by this section, shall expire on August 31, 1998;

(3) In any action challenging any substantive rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such substantive rule shall be required to prove by a preponderance of the evidence that the substantive rule or threatened application of the substantive rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious;

(4) The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails against the agency in such action."; and

Further amend said bill, page 27, section 17, line 16, by inserting immediately after "services" the following: **"and subject to the following provisions:**

(1) For purposes of this section, a "substantive" rule shall be defined as an action of the agency which has the effect of creating a legal right, liability, obligation or sanction;

(2) All substantive rules promulgated pursuant to the provisions of this section, and all substantive rulemaking authority authorized by this section, shall expire on August 31, 1998;

(3) In any action challenging any substantive rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such substantive rule shall be required to prove by a preponderance of the evidence that the substantive rule or threatened application of the substantive rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious;

(4) The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who

prevails against the agency in such action."; and

Further amend said bill, page 30, section 20, line 27, by inserting immediately after "appropriate" the following: **"and subject to the following provisions:**

(1) For purposes of this section, a "substantive" rule shall be defined as an action of the agency which has the effect of creating a legal right, liability, obligation or sanction;

(2) All substantive rules promulgated pursuant to the provisions of this section, and all substantive rulemaking authority authorized by this section, shall expire on August 31, 1998;

(3) In any action challenging any substantive rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such substantive rule shall be required to prove by a preponderance of the evidence that the substantive rule or threatened application of the substantive rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious;

(4) The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails against the agency in such action."; and

Further amend said bill, page 31, section 21, line 17, by inserting immediately after "RSMo" the following: **", and subject to the following provisions:**

(1) For purposes of this section, a "substantive" rule shall be defined as an action of the agency which has the effect of creating a legal right, liability, obligation or sanction;

(2) All substantive rules promulgated pursuant to the provisions of this section, and all substantive rulemaking authority authorized by this section, shall expire on August 31, 1998;

(3) In any action challenging any substantive rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such substantive rule shall be required to prove by a preponderance of the evidence that the substantive rule or threatened application of the substantive rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious;

(4) The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails against the agency in such action."; and

Further amend said bill, page 37, section 25, line 1, by inserting immediately after "waiver" the following: **"and subject to the following provisions:**

(1) For purposes of this section, a "substantive" rule shall be defined as an action of the agency which has the effect of creating a legal right, liability, obligation or sanction;

(2) All substantive rules promulgated pursuant to the provisions of this section, and all substantive rulemaking authority authorized by this section, shall expire on August 31, 1998;

(3) In any action challenging any substantive rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such substantive rule shall be required to prove by a preponderance of the evidence that the substantive rule or threatened application of the substantive rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious;

(4) The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails against the agency in such action."; and

Further amend said bill, page 43, section 30, line 5, by inserting immediately after "section" the following: **"and subject to the following provisions:**

(1) For purposes of this section, a "substantive" rule shall be defined as an action of the agency which has the effect of creating a legal right, liability, obligation or sanction;

(2) All substantive rules promulgated pursuant to the provisions of this section, and all substantive rulemaking authority authorized by this section, shall expire on August 31, 1998;

(3) In any action challenging any substantive rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010, RSMo, promulgating such substantive rule shall be required to prove by a preponderance of the evidence that the substantive rule or threatened application of the substantive rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious;

(4) The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails against the agency in such action."

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator McKenna moved that the vote by which SA 17 was adopted be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay	Goode	Kenney--3
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Absent with leave--Senators--None

SA 17 was again taken up.

At the request of Senator McKenna, the above amendment was withdrawn.

Senator Schneider offered SA 20:

SENATE AMENDMENT NO. 20

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23, and 183, Page 45,

Section 31, Line 9 of said page, by inserting immediately after all of said line the following:

"Section 32. 1. The delegation of authority to the department of social services to propose to the general assembly rules or regulations pursuant to this act is contingent upon the department complying with the provisions of this section and this delegation of legislative power to the department to promulgate proposed rules and proposed orders of rulemaking that have the effect of substantive law, other than rules relating to the department's organization and internal management, is contingent and dependent upon the power of the general assembly to review proposed orders of rulemaking, to delay the effective date of the proposed final order of rulemaking until thirty legislative days after such rule is filed with the general assembly and the secretary of state, and to disapprove any rule or portion thereof as provided herein.

2. No rule or portion of a rule that has the effect of substantive law, and is promulgated under this section shall become effective until it has been reviewed by the general assembly in accordance with the procedures provided herein and the department's authority to propose rules is dependent upon the power of the general assembly to review and disapprove any such proposed rule or portion thereof by concurrent resolution adopted in accordance with the provisions of article IV, section 8 of the Missouri constitution.

3. The department may promulgate a proposed rule by complying with the procedures provided in section 536.021, RSMo, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy to the joint committee on administrative rules which may hold hearings upon any proposed rule or portion thereof at any time. The department shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information as may be requested.

4. Except as otherwise provided herein, the department shall comply with the provisions of section 536.021, RSMo, except that the department may file a proposed order of rulemaking with the secretary of state only by first filing a copy thereof with the general assembly by providing a copy to the secretary of the senate and the clerk of the house of representatives. The president pro tem of the senate shall direct that a copy of the proposed order of rulemaking be delivered to the director of the joint committee on administrative rules.

5. The proposed order of rulemaking shall not become effective until thirty legislative days after such proposed final order of rulemaking has been filed with the secretary of state. The joint committee on administrative rules may hold one or more hearings upon such proposed final order of rulemaking.

6. The committee may, by majority vote of its members, recommend that the general assembly disapprove any rule or portion thereof, after hearings and upon a finding that such rule or portion thereof is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity, and that such rule or portion of a rule should be disapproved for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;**
- (2) An emergency relating to public health, safety or welfare;**
- (3) The proposed rule is in conflict with state law;**
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based;**
- (5) The proposed rule is arbitrary and capricious.**

7. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and hold for naught any rule or portion thereof upon the grounds stated in this subsection.

8. Any rule or portion thereof not disapproved within thirty legislative days shall be deemed approved by the general assembly and the secretary of state may publish such order of rulemaking as soon as practicable after the expiration of thirty legislative days. Upon adoption of such concurrent resolution within thirty legislative days,

the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor or vetoed and overridden by the general assembly. If a concurrent resolution is adopted and signed by the governor or a veto of such resolution is overridden, the secretary of state shall publish in the Missouri Register, as soon as practicable, a notice amending the order of rulemaking as provided.

9. The secretary of state may publish the proposed order of rulemaking as soon as practicable after the expiration of thirty legislative days.

10. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable and the delegation of authority to propose a final order of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly to review, to delay the effective date, to disapprove, or hold ineffective a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule promulgated under such purported rulemaking authority delegated to the department by this act shall be invalid and void.

11. Nothing in this section shall prevent the general assembly from adopting by bill the rules or portions thereof proposed by the department as contained in an order of rulemaking. In that event, the proposed order of rulemaking and any rule proposed therein shall be held for naught and only such rules as are adopted by the general assembly shall become effective as submitted to the governor by bill. In that event, the secretary of state shall not publish the proposed order of rulemaking and said proposed order of rulemaking shall be invalid and held for naught."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1** to **SA 20**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 20

Amend Senate Amendment No. 20 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 1, Section 32, Line 21, by adding after the word "disapprove", the words "and suspend".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

SA 20, as amended, was again taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Scott assumed the Chair.

Senator Jacob offered **SA 21**, which was read:

SENATE AMENDMENT NO. 21

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 46, Section 167.260, Line 27, by inserting after the word "receive" the following "**subject to appropriations additional**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23, and 183, Page 5, Section 1, Lines 4-9 of said page, by striking all of said lines; and further amend said section by renumbering the remaining subsections accordingly; and further amend said bill and section, page 7, line 19 of said page, by inserting immediately after all of said line the following:

"15. The department of social services is authorized to propose rules and regulations necessary to implement the program and sanctions referenced in this section only as provided pursuant to section 32 of this act."; and

Further amend said bill, Page 7, Section 2, Lines 25-27 of said page, by striking all of said lines and inserting in lieu thereof the following: **"locations. These shall include programs"; and**

Further amend said bill, Page 8, Section 2, Line 7 of said page, by inserting immediately after all of said line the following:

"3. The department of social services is authorized to propose rules and regulations necessary to implement the programs referenced in this section only as provided pursuant to section 32 of this act."; and

Further amend said bill, Page 24, Section 14, Line 16 of said page, by inserting immediately after all of said line the following:

"4. The department of social services is authorized to propose rules and regulations necessary to implement the pilot program referenced in this section only as provided pursuant to section 32 of this act."; and

Further amend said bill, Page 26, Section 15, Line 4 of said page, by inserting immediately after all of said line the following:

"3. The department of social services is authorized to propose rules and regulations necessary to implement the program referenced in this section only as provided pursuant to section 32 of this act."; and

Further amend said bill, Page 26, Section 16, Line 6 of said page, by inserting immediately after the word **"requirements"** the following: **", by rule promulgated pursuant to section 32 of this act,"; and**

Further amend said bill, Page 28, Section 17, Line 1 of said page, by striking the following: **"pursuant to chapter 536, RSMo,"; and**

Further amend said bill, Page 28, Section 17, Line 15 of said page, by inserting immediately after all of said line the following:

"6. The department of social services is authorized to propose rules and regulations necessary to implement the programs and sanctions referenced in this section only as provided pursuant to section 32 of this act."; and

Further amend said bill, Page 30, Section 20, Line 27 of said page, by inserting immediately after all of said line the following:

"5. The department of social services is authorized to propose rules and regulations necessary to implement this section only as provided pursuant to section 32 of this act."; and

Further amend said bill, Page 31, Section 21, Line 4 of said page, by striking the following: **", and"; and further amend page and section, lines 5 and 6, by striking all of said lines; and further amend lines 10, by striking all of said line; and further amend line 11 by striking the following: "services"; and further amend said page and section, lines 15-17, by striking all of said lines; and**

Further amend said bill, Page 37, Section 25, Line 27 of said page, by striking the word **"The"** as it appears the second time; and further said page and section, amend line 28, by striking all of said line; and further amend page 38,

section 25, line 1 of said page, by striking the following: "implement this statute."; and

Further amend said bill, Page 38, Section 25, Line 10 of said page, by inserting immediately after all of said line the following:

"4. The department of social services is authorized to propose rules and regulations necessary to implement the program and sanctions referenced in this section only as provided pursuant to section 32 of this act."; and

Further amend said bill, Page 43, Section 30, Line 4 of said page, by striking the following: "The department shall promulgate rules pursuant to"; and further amend line 5, by striking all of said line; and

Further amend said bill, Page 43, Section 30, Line 10 of said page, by inserting immediately after all of said line the following:

"3. The department of social services is authorized to propose rules and regulations necessary to implement this section only as provided pursuant to section 32 of this act."

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23, and 183, Page 116, Section 660.016, Line 23 of said page, by inserting immediately after said line the following:

"660.017. [The department of social services may adopt, appeal and amend rules necessary to carry out the duties assigned to it. All rules shall be promulgated pursuant to the provisions of this section and chapter 536, RSMo. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] 1. All rulemaking authority delegated by the general assembly to the department prior to the effective date of this act is invalid and of no force and effect.

2. The delegation of authority to the department of social services to propose to the general assembly rules or regulations after the effective date of this act is contingent upon the department complying with the provisions of this section and this delegation of legislative power to the department to promulgate proposed rules and proposed orders of rulemaking that have the effect of substantive law, other than rules relating to the department's organization and internal management, is contingent and dependent upon the power of the general assembly to review proposed orders of rulemaking, to delay the effective date of the proposed final order of rulemaking until thirty legislative days after such rule is filed with the general assembly and the secretary of state, and to disapprove any rule or portion thereof as provided herein.

3. No rule or portion of a rule that has the effect of substantive law, shall become effective until it has been reviewed by the general assembly in accordance with the procedures provided herein and the department's authority to propose rules is dependent upon the power of the general assembly to review and disapprove any such proposed rule or portion thereof by concurrent resolution adopted in accordance with the provisions of article IV, section 8 of the Missouri constitution.

4. The department may promulgate a proposed rule by complying with the procedures provided in section 536.021, RSMo, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy to the joint committee on administrative rules which may hold hearings upon any proposed rule or portion thereof at any time. The department shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information as may be requested.

5. Except as otherwise provided herein, the department shall comply with the provisions of section 536.021, RSMo, except that the department may file a proposed order of rulemaking with the secretary of state only by

first filing a copy thereof with the general assembly by providing a copy to the secretary of the senate and the clerk of the house of representatives. The president pro tem of the senate shall direct that a copy of the proposed order of rulemaking be delivered to the director of the joint committee on administrative rules.

6. The proposed order of rulemaking shall not become effective until thirty legislative days after such proposed final order of rulemaking has been filed with the secretary of state. The joint committee on administrative rules may hold one or more hearings upon such proposed final order of rulemaking.

7. The committee may, by majority vote of its members, recommend that the general assembly disapprove any rule or portion thereof, after hearings and upon a finding that such rule or portion thereof is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity, and that such rule or portion of a rule should be disapproved for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based;
- (5) The proposed rule is arbitrary and capricious.

8. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and hold for naught any rule or portion thereof upon the grounds stated in this subsection.

9. Any rule or portion thereof not disapproved within thirty legislative days shall be deemed approved by the general assembly and the secretary of state may publish such order of rulemaking as soon as practicable after the expiration of thirty legislative days. Upon adoption of such concurrent resolution within thirty legislative days, the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor or vetoed and overridden by the general assembly. If a concurrent resolution is adopted and signed by the governor or a veto of such resolution is overridden, the secretary of state shall publish in the Missouri Register, as soon as practicable, a notice amending the order of rulemaking as provided.

10. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable and the delegation of authority to propose a final order of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly to review, to delay the effective date, to disapprove, or hold ineffective a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule promulgated under such purported rulemaking authority delegated to the department by this act shall be invalid and void.

11. Nothing in this section shall prevent the general assembly from adopting by bill the rules or portions thereof proposed by the department as contained in an order of rulemaking. In that event, the proposed final order of rulemaking and any rule proposed therein shall be held for naught and only such rules as are adopted by the general assembly shall become effective as submitted to the governor by bill. In that event, the secretary of state shall not publish the proposed final order of rulemaking and said proposed final order of rulemaking shall be invalid and held for naught."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SA 24**, which was read:

SENATE AMENDMENT NO. 24

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 42, Section 30, Line 24, by deleting the word "may" and inserting in lieu thereof the word "**shall**".

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SA 25**, which was read:

SENATE AMENDMENT NO. 25

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 6, Section 1, Line 20, by deleting the words "prior to" and inserting the word "**upon**"; and

Further amend said bill, page 6, section 1, line 23, by deleting the word: "pretermination hearing" and inserting the words "**posttermination hearing within thirty days,**".

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 4, Section 1, Line 17, by inserting after said line:

"(10) Reducing the number of out-of- wedlock births."

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 27**, which was read:

SENATE AMENDMENT NO. 27

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 11, Section 3, Line 1 of said page, by deleting the word "may" and inserting in lieu thereof the word "shall".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 28**:

SENATE AMENDMENT NO. 28

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 100, Section 208.345, Line 14, by adding immediately after said line, the following:

"208.700. In order to promote diverse approaches to the problems of poverty and to encourage maximum local participation and volunteerism, the "Community Partnership Program" is hereby created as a pilot program in the State of Missouri.

208.701. This program shall be organized by the Department of Social Services in two Missouri counties and organization in any county desiring to be eligible to participate shall be required to provide the Department of Social Services with no less than five written statements from organizations within the county declaring their intent to act as partners in the Community Partnership Program. The program shall be implemented within the

first six months from the effective date of this act.

208.703. As used in sections 208.700 to 208.737, the following terms shall mean:

(1) "Community partnership organization", any of the following which chooses to dispense public assistance to qualified individuals, and meets the requirements set forth in section 208.725:

(a) Benevolent association established pursuant to chapter 352, RSMo;

(b) Charitable organization as defined in section 407.453, RSMo;

(c) Combination of paragraphs (a) to (g) of subdivision (2) of this section;

(d) Governmental body;

(e) Not for profit corporation established pursuant to chapter 355, RSMo;

(f) Organization that has obtained an exemption from the payment of federal income taxes as provided in section 501 (c) (3), 501 (c) (7) or 501 (c) (8) of Title 26, United States Code, as amended; or

(g) Religious or educational organization exempt from taxation pursuant to the Missouri or United States Constitution;

(2) "Director", the director of the division of family services;

(3) "Division", the division of family services;

(4) "Program", the community partnership program established pursuant to this act;

(5) "Public assistance", the cash, in-kind, or other payment to which a qualified individual is entitled;

(6) "Qualified individuals", any individual who receives any cash or in-kind payment, or any other public assistance administered by the division of family services;

(7) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

208.705. The provisions of chapter 208, RSMo, to the contrary notwithstanding, qualified individuals may participate in the community partnership program as established in sections 208.700 to 208.737.

208.707. Those qualified individuals who elect to participate in the program shall enter into a contractual agreement with a community partnership organization of the qualified individual's choosing for the purpose of distributing public assistance and providing services pursuant to section 208.715. No qualified individual shall enter into more than one contractual arrangement with a community partnership organization concurrently.

208.710. 1. The division shall:

(1) Determine and publicly disclose the gross amount of public assistance to be dispersed for aid to families with dependent children, and the total costs for administering said assistance as a percentage of said gross amount;

(2) Calculate the public assistance to be distributed to qualified individuals who choose to participate in the program in the same manner as the public assistance distributed to those individuals who elect not to participate;

(3) Not reduce the monthly cash public assistance of those who elect not to participate in the program based upon the amount of moneys transferred to the community partnership program fund pursuant to this section;

(4) Not set a public assistance amount for qualified individuals who elect to participate in a community partnership program that is less than the public assistance amount of those who do not participate in the program;

(5) Develop standardized forms for the contractual agreements between the division and community partnership organizations and between qualified individuals and community partnership organizations;

(6) Provide qualified individuals with information on a regular basis of any community partnership organizations available within the geographical area of the qualified individual;

(7) Establish a hotline for qualified individuals to register complaints on community partnership organizations for noncompliance of the terms of duly executed contractual arrangements.

2. Payments to implement sections 208.700 to 208.737 shall be made from the community partnership program fund created in section 208.730.

208.712. Any community partnership organization may contract with the division to distribute public assistance to qualified individuals who elect to participate in a community partnership program.

208.715. Any community partnership organization, in establishing and maintaining a community partnership program, may:

(1) Charge qualified individuals who choose to participate a fee for the provision of services equal to the amount of the community partnership organization's administrative costs for providing said services; however, the community partnership organization shall not charge a fee which as a percentage of the public assistance distributed exceeds ten percent;

(2) Supplement the public assistance to which a qualified individual, who has entered into an agreement with the community partnership organization pursuant to section 208.707, with additional cash grants, gifts, or services, including, but not limited to, the following:

(a) Child day care in a child day care center;

(b) Job training;

(c) Transportation;

(d) Food or household necessities;

(e) Remedial education;

(f) Domestic skills training;

(g) Parenting instruction;

(h) Health benefits.

208.717. As a condition of the receipt of public assistance or any other support provided by a community partnership organization, including those services set out in section 208.715, a community partnership

organization may require qualified individuals to meet any additional standards, except that the community partnership organization may not require the qualified individual to:

- (1) Perform any illegal act; or
- (2) Attend any religious worship service.

208.720. Qualified individuals who fail to meet the requirements of a duly executed contractual agreement with a community partnership organization shall forfeit to the division, upon a fifteen-day notice to the qualified individual and the division, any increase in their public assistance provided for in section 208.730, over that which the qualified individual would otherwise receive and shall forfeit to the community partnership organization any other supplemental support provided by the community partnership organization pursuant to section 208.715. The forfeiture shall continue until a qualified individual is deemed by the community partnership organization under terms established by the division or by the division to be in compliance with the provisions of the contractual agreement, or until the contract is terminated by the qualified individual or the community partnership organization pursuant to section 208.722. If a contractual agreement between a community partnership organization and a qualified individual is terminated, the qualified individual shall be deemed to be a nonparticipant in the program for a period of thirty days or until the said qualified individual enters or re-enters into a contractual agreement with a community partnership organization, whichever is less. Those recipients deemed to be nonparticipants due to termination of a contract shall receive public assistance as otherwise provided for by law.

208.722. Every duly executed contractual agreement between a qualified individual and a community partnership organization shall contain a provision allowing the qualified individual or the community partnership organization the right to rescind the agreement upon thirty days notice to the division and to all parties to the said contractual agreement.

208.725. The division shall require community partnership organizations to meet the following conditions before entering into or re-entering into any contractual agreement with the division for the provision of services pursuant to section 208.715:

- (1) Meet the definition established in section 208.702, for community partnership organizations;
- (2) Be in existence for a period of at least five years before they are eligible for the program;
- (3) Demonstrate to the division, through a written report, the services that are to be provided;
- (4) Allow audits of public assistance distributed to recipients pursuant to sections 208.707 and 208.710;
- (5) Agree that the community partnership organization will not discriminate on the basis of race, religion, or national origin; and
- (6) Establish and maintain a system for addressing the grievances of those qualified individuals affected by the contract with the division.

208.727. 1. Community partnership organizations may actively seek private donations to support and supplement a community partnership program. Any taxpayer of Missouri may claim a tax credit if provided for by an appropriation by the general assembly; however, the amount appropriated for the tax credit, if any, shall not be less than the savings realized by the division as a result of the program established by this act.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to the community partnership organization.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess

of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

208.730. The "Community Partnership Program Fund" is hereby created in the state treasury to support the provisions of sections 208.700 to 208.737. Moneys shall be appropriated to the fund to provide public assistance to qualified individuals that are at least equal to the public assistance that such individuals would otherwise receive plus an amount at least equal to ten percent of the total amount transferred or the amount of savings resulting from implementation of the program. Moneys in the community partnership program fund that are not required to meet or augment the community partnership program funding requirements of the state in any fiscal year shall be invested by the state treasurer in the same manner as other surplus funds are invested. Interest, dividends and moneys earned on such investments shall be credited to the community partnership program fund. Such fund may also receive gifts, grants, contributions, appropriations and funds or public assistance from any other source or sources, and make investments of the unexpended balances thereof.

208.732. 1. There is hereby created the "Community Partnership Advisory Council" to make recommendations to the division on ways to improve and expand the program. The council shall be composed of seven members, consisting of the lieutenant governor, the director of social services, the director of the division of family services, or their representatives, and four members of the public who are active participants in a community partnership organization. The four members of the public shall be appointed by the governor with the advice and consent of the senate, and no more than two shall be of the same political party. The chair of the council shall be the lieutenant governor. Council members appointed by the governor shall serve four-year terms or until their successor is duly appointed and qualified.

2. The advisory council shall meet as necessary, but at least twice yearly, to review activities of the commission, present recommendations in writing to the governor and the general assembly as requested or as necessary to ensure adequate exchange of information, and meet within four weeks after the initial members have been appointed. Four of the members shall constitute a quorum and no action shall be taken without the concurrence of four of the members.

208.735. The division may promulgate rules and regulations necessary to carry out the provisions of this act pursuant to section 536.024, RSMo.

208.737. This credit shall become effective January 1, 1998 and shall apply to all taxable years beginning after December 31, 1997."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1** to **SA 28**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 28

Amend Senate Amendment No. 28 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 202, 23 and 183, Page 2, Section 208.710, Line 2 of said section, by deleting the words "aid to families with dependent children" and inserting the words: "temporary assistance to needy families or any other welfare program covered in this bill."; and

Further amend said bill, page 6, section 208.735, by deleting said section.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann moved that **SA 28**, as amended, be adopted, which motion prevailed.

Senator Maxwell moved that **SS No. 2** for **SCS** for **SBs 202, 23** and **183**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS No. 2** for **SCS** for **SBs 202, 23** and **183**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 452, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Coda Baugher, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 453, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Larry Saale, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 454, regarding the One Hundredth Birthday of Lyndall Bittiker, which was adopted.

Senator Graves offered Senate Resolution No. 455, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Ricehouse, Chillicothe, which was adopted.

Senator Ehlmann offered Senate Resolution No. 456, regarding the City of O'Fallon, which was adopted.

Senator Quick offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 457

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber for the purposes of its Youth in Government program during the period of November 22, 1997 from 9:00 A.M to 3:00 P.M. and December 4, 5 and 6, 1997.

CONCURRENT RESOLUTIONS

Senator Jacob offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 22

WHEREAS, the members of the Missouri General Assembly always deem it proper and necessary to remember those service men and women who have faithfully answered our nation's call to arms in times of crisis; and

WHEREAS, April 28, 1997, marks the 53rd Anniversary of "Exercise Tiger", one of World War II's most tragic and most historically significant naval battles, and one that has been largely forgotten; and

WHEREAS, though planned as a practice mission for the D-Day Invasion of the Normandy coast, Exercise Tiger resulted in the highest casualty toll of the war to that point for American forces; and

WHEREAS, the unexpected and overwhelming attack of enemy ships on the minimally prepared and unescorted group of LST's in the T-4 Convoy, in the early morning hours of April 28, 1944, ended in the death of 749 U.S. troops of those, 198 sailors, 551 soldiers of which 196 were from Missouri's 3206th Quarter Master Service Company, as well as injuries to hundreds more, but provided valuable lessons that contributed to the success of the historic D-Day Invasion and thus to the outcome of World War II; and

WHEREAS, on April 28, 1997, the Veterans of Foreign Wars Post 280 and the Missouri Exercise Tiger Association will host a special ceremony to commemorate the 53rd Anniversary of Exercise Tiger, the first such ceremony to be held in the state of Missouri by a VFW post to officially honor this forgotten World War II battle; and

WHEREAS, the upcoming VFW Post 280 ceremony is in keeping with the annual Exercise Tiger ceremony recognized by the Department of Defense, which traditionally honors the U.S. Army soldiers and U.S. Navy sailors of operation "Exercise Tiger":

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Eighty-ninth General Assembly, the House of Representatives concurring therein, hereby join unanimously in supporting and honoring the 53rd Anniversary of Exercise Tiger hosted by the Veterans of Foreign Wars Post 280 and the Missouri Exercise Tiger Association, and further call upon the people of Missouri and all Americans to join in observing this event in recognition of those forgotten individuals who have made the supreme sacrifice to ensure the continued freedom and prosperity of this nation; and

BE IT FURTHER RESOLVED that the Secretary of Senate be instructed to prepare a properly inscribed copy of this resolution for presentation during the upcoming 53rd Anniversary of Exercise Tiger.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Angela AuBuchon, Dexter; and Angela was made an honorary page.

Senator Sims introduced to the Senate, Theresa Lovelace, Kathy Dabrowski and Merrily Goldsmith, St. Louis.

On behalf of Senator Caskey, the President introduced to the Senate, Lynn A. Harmon, Bob Gaw, David Skwarlo, Jerry Franklin, Jerry Ellis, Jim Landon, Mike Terry, Greg Bynum and Jean Gothic, Warrensburg.

Senator Graves introduced to the Senate, Marsha Murphy and Edna McQuerrey, Clinton County.

Senator Jacob introduced to the Senate, students from Cairo Elementary School, Cairo; and Willie Anderson, David Creed, Cliff Hinton and Joey Hensley were made honorary pages.

Senator Graves introduced to the Senate, Lyle Brown, Tarkio; and Kent Fischer, Fairfax.

Senator Graves introduced to the Senate, former State Representative Tim Kelley, and a delegation from Agricultural Leaders of Tomorrow.

Senator Wiggins introduced to the Senate, Margret Olson, Sally Rice, Jeanette Robinson, Ed Baty and Carol Purdy, Kansas City.

Senator Yeckel introduced to the Senate, Lisa Mikel, Nicki Ketterling, Theresa Sedgewick, and members of Webelos Cub Scout Pack 267 from Beasley School, St. Louis; and Tristen Ketterling, Matt Herzberg, Ryan Sedgewick, Josh Mikel and Johnny Waco were made honorary pages.

Senator Jacob introduced to the Senate, Cheryl Allen, Kathleen Crader, Carla Davis, Bonnie Delaney, Carla Jones and Della Bell, Moberly; and Rose Crawford, Renick.

Senator Singleton introduced to the Senate, Diane Sharits, Jack and Sue Vandergriff and Harry Putnam, Carthage; and Wendi Kelly, Joplin.

Senator Westfall introduced to the Senate, Sherry Oehme, Aurora.

Senator Childers introduced to the Senate, Klista Smith and Ken Roten, Branson.

Senator Rohrbach introduced to the Senate, Julie Clingman, and seventh grade students from St. Martin's Catholic School, St. Martin's; and Sam LeCure, Jonathan Woehrer, Krystal Stokes and Lindsey Eveler were made honorary pages.

Senator Westfall introduced to the Senate, Beverly Carter, Debbie Potter, and fifth and sixth grade students from Bronaugh School, Bronaugh.

Senator Jacob introduced to the Senate, Nancy Gerardy, Colene Cooper, Dorothy Grant, Jan Mees and Mary Dillon, Columbia.

Senator Lybyer introduced to the Senate, students from New Life Christian Academy, Houston; and Benita Steinbrink, Nicholas Livermore, Katy Atterberry and Justin Snyder were made honorary pages.

Senator Bentley introduced to the Senate, Geri Hill, Springfield.

Senator Yeckel introduced to the Senate, Howard Brandt and Tony Adrignola, St. Louis.

Senator Kenney introduced to the Senate, Kevin and Amanda Burns, Independence; and Kevin and Amanda were made honorary pages.

Senator Kinder introduced to the Senate, Steve and Andlle Naeter, and thirty-two seventh and eighth grade students from St. Augustine School, Kelso; and James Dannenmueller, Grant Frey, Jamey Heisserer, Alaina Stamp and Jacob Ressel were made honorary pages.

Senator Rohrbach introduced to the Senate, Jan Sonnenberg, Jefferson City.

Senator Klarich introduced to the Senate, Wayne, Deb, Ben and Anna Cross, Ballwin.

Senator Clay introduced to the Senate, Jean and Margaret Anne Blackburn and Stephanie Porto, St. Louis; and Margaret and Stephanie were made honorary pages.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-THIRD DAY--THURSDAY, MARCH 27, 1997

The Senate met pursuant to adjournment.

Senator Johnson in the Chair.

Senator Maxwell offered the following prayer:

Our Most gracious Heavenly Father, we come to You as Your humble servants. Help us to constantly be mindful of our awesome responsibility of leading this Great State and those we serve into the next Century. We are thankful for our families and friends who support us in our tasks. We ask that You bless them and reward them for the sacrifices that they make so we can serve. We pray that You keep in our minds and hearts what Your word teaches us in the Book of Proverbs and that we keep constant vigilance for those who are in need. May we remember that while change is inevitable, that our trust in God must never change. In Jesus Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Carol Banta Walker, as a member of the Harris-Stowe State College Board of Regents;

Also,

Dallas G. Dickens and Mary Louise Bussabarger, as members of the Missouri Family Trust Board of Trustees;

Also,

G. Brad Williams, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund;

Also,

John T. Park, Ph.D., as a member of the Midwestern Higher Education Commission;

Also,

William C. Brandes, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Dorothy (Dottie) Ann Phelps, as a public member of the Real Estate Appraisers Commission;

Also,

Jesse Jones, III, Gregory L. Solum and Neva G. Thurston, as members of the Missouri Planning Council for Developmental Disabilities;

Also,

Jane B. Klieve, as a member of the Missouri Women's Council;

Also,

Robert E. Bell, as a member of the Missouri Training and Employment Council.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Wilson assumed the Chair.

Senator Johnson resumed the Chair.

THIRD READING OF SENATE BILLS

SB 468, introduced by Senator Rohrbach, entitled:

An Act to repeal section 160.522, RSMo 1994, relating to public reporting by school districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

President Pro Tem McKenna assumed the Chair.

On motion of Senator Rohrbach, **SB 468** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Banks	Russell--2
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 424, introduced by Senator Staples, entitled:

An Act to authorize the lease of certain property to a developer for the purpose of constructing a prison to be leased to the state.

Was called from the Consent Calendar and taken up.

On motion of Senator Staples, **SB 424** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay	Russell--2
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

SB 249, introduced by Senator Flotron, entitled:

An Act to amend chapter 516, RSMo, by adding thereto one new section relating to statutes of limitations.

Was called from the Consent Calendar and taken up.

On motion of Senator Flotron, **SB 249** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--Russell--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS for SB 251**; **SCS for SB 140**; **SS for SB 367**; and **SS for SCS for SB 165**, begs leave to report that it has considered the same and recommends that the bills do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **HB 211**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Quick announced that photographers from KY-3 had been given permission to take pictures in the Senate Chamber today.

THIRD READING OF SENATE BILLS

SCS for SB 251, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 251

An Act to repeal sections 610.122 and 610.123, RSMo Supp. 1996, relating to the expungement of certain criminal records, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Curls.

On behalf of Senator Curls, Senator Caskey moved that **SCS for SB 251** be read the third time and passed, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Goode	House
Jacob	Mathewson	Maxwell	McKenna
Quick	Rohrbach	Schneider	Sims
Wiggins	Yeckel--18		

Nays--Senators

Bentley	Childers	Flotron	Graves
Johnson	Kenney	Kinder	Klarich
Lybyer	Mueller	Russell	Scott
Singleton	Staples	Westfall--15	

Absent--Senators--Howard--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SS for **SB 367**, introduced by Senator Caskey, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 367

An Act to repeal section 217.705, RSMo 1994, and sections 565.084 and 571.030, RSMo Supp. 1996, relating to probation and parole officers, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Caskey, **SS** for **SB 367** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Klarich Schneider--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SCS for **SB 265**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 265

An Act to repeal sections 404.703, 404.705, 404.710, 404.714, 404.717, 404.723, 404.727 and 404.730, RSMo 1994, and section 404.719, RSMo Supp. 1996, relating to powers of attorney, and to enact in lieu thereof nine new sections relating to the same subject.

Was taken up by Senator Caskey.

On motion of Senator Caskey, **SCS** for **SB 265** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--Scott--1

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 303, introduced by Senator Quick, entitled:

An Act to repeal sections 238.202, 238.207, 238.210, 238.212, 238.215, 238.220, 238.227, 238.230, 238.232, 238.235, 238.237 and 238.240, RSMo 1994, relating to transportation development districts, and to enact in lieu thereof thirteen new sections relating to the same subject.

Was taken up.

On motion of Senator Quick, **SB 303** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Schneider--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SCS for **SB 140**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 140

An Act to repeal sections 303.024, 303.025, 303.026, 303.030, 303.043 and 303.190, RSMo 1994, relating to financial responsibility for motor vehicles, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions and an effective date.

Was taken up by Senator Banks.

On motion of Senator Banks, **SCS** for **SB 140** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28

Nays--Senators

Flotron	Kinder	Rohrbach--3
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Absent--Senators

Clay	Klarich	Quick--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 165**, introduced by Senator Mathewson, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 165

An Act to repeal sections 135.208, 143.805, 148.064, 178.896, 620.1072 and 620.1078, RSMo 1994, and sections 135.100, 135.200, 135.225, 135.230, 135.247, 135.352, 135.460, 135.500, 135.503, 135.508, 135.516, 144.030, 178.895 and 447.710, RSMo Supp. 1996, relating to the department of economic development, and to enact in lieu thereof thirty-nine new sections relating to the same subject.

Was taken up.

On motion of Senator Mathewson, **SS** for **SCS** for **SB 165** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators-Rohrbach--1

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Johnson moved that **HB 211**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Johnson, **HB 211**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Mathewson	Maxwell	McKenna
Quick	Rohrbach	Russell	Scott

Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	Nays--Senators		
Klarich	Lybyer	Mueller--3	
	Absent--Senators--Schneider--1		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	Nays--Senators		
Klarich	Mueller--2		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Johnson resumed the Chair.

SENATE BILLS FOR PERFECTION

Senator McKenna moved that **SB 51**, with **SCS**, **SS No. 2** for **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 5 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

At the request of Senator McKenna, **SS No. 2** for **SCS** for **SB 51**, as amended, was withdrawn.

Senator McKenna offered **SS No. 3** for **SCS** for **SB 51**, entitled:

SENATE SUBSTITUTE NO. 3 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 51

An Act to repeal sections 452.150, 452.355, 452.370, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605 and 454.496 RSMo 1994, and sections 452.340, 452.375 and 452.400, RSMo Supp. 1996, relating to child custody and child support proceedings, and to enact in lieu thereof fourteen new sections relating to the same subject.

Senator McKenna moved that **SS No. 3** for **SCS** for **SB 51** be adopted.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 51, Page 17, Section 452.375, Line 23, by adding at the end thereof, the following:

"13. A non-custodial parent, grandparent or great grandparent who was convicted of an illegal sex act under chapter 566 or 568.020 RSMo against a victim under the age of eighteen (18) shall not be allowed visitation until the offender is discharged from incarceration, parole or mandatory supervised release and the offender successfully completes a treatment program approved by the court."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 51, Page 28, Section 454.496, Line 19, by inserting immediately after all of said line the following:

"Section 1. 1. Notwithstanding the provisions of subsection 1 of section 452.455, RSMo, or subsection 6 of section 452.370, RSMo, to the contrary, the court with jurisdiction may decline to exercise jurisdiction in any modification proceeding if such court finds that exercise of its jurisdiction would be clearly inconvenient to either party to the proceeding. The court shall consider the following factors in determining whether exercise of its jurisdiction would be clearly inconvenient:

- (1) Place of residence of the parties;**
- (2) Location of witnesses; and**
- (3) The availability to either party of another, more convenient court with jurisdiction.**

2. A finding that a court is a clearly inconvenient forum pursuant to subsection 1 of this section may be made upon the court's own motion or upon the motion of either party to the proceeding."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 51, Page 17, Section 452.375, Line 23 of said page, by inserting immediately after said line the following:

"3. In any court proceeding regarding the physical and legal custody of a child, the court shall not make a custody determination based upon the choice of education chosen for such child by the child's custodial parent or parents or legal guardian.

The court shall not order the custodial parent or guardian to enroll the child in any school other than the school chosen by such custodial parent or legal guardian in compliance with state law."

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator McKenna moved that **SS No. 3** for **SCS** for **SB 51**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SS No. 3** for **SCS** for **SB 51**, as amended, was declared perfected and ordered printed.

President Pro Tem McKenna resumed the Chair.

Senator House moved that **SB 168**, with **SCS** and **SS** for **SCS** and **SA 10** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 10 was again taken up.

At the request of Senator Johnson, the above amendment was withdrawn.

Senator Johnson offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 1, Section A, Line 5 of said section, by inserting immediately after said line the following:

"[143.105. Notwithstanding the provisions of section 143.071, to the contrary, a tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to five percent of Missouri taxable income.]

[143.106. 1. Notwithstanding the provisions of section 143.171, to the contrary, a taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.]

[143.107. 1. Sections 143.105 and 143.106 shall become effective only if the question prescribed in subsection 2 of

this section is submitted to a statewide vote and a majority of the qualified voters voting on the issue approve such question, and not otherwise.

2. If the supreme court of Missouri does not affirm in whole or in part the decision in the case of COMMITTEE FOR EDUCATION EQUALITY, et al., v. STATE OF MISSOURI, et al., No. CV 190-1371CC, and LEE'S SUMMIT SCHOOL DISTRICT R-VII, et al., v. STATE OF MISSOURI, et al., No. CV 190-510CC, a statewide election shall be held on the first regularly scheduled statewide election date after such a ruling at which an election can be held pursuant to chapter 115, RSMo. At such election the qualified voters of this state shall vote on the question of whether the taxes prescribed in sections 143.105 and 143.106 shall be applied to all taxable years beginning on or after the date of such election and not otherwise. If the voters approve such question, sections 160.500 to 160.538, sections 160.545 and 160.550, sections 161.099 and 161.610, RSMo, sections 162.203 and 162.1010, RSMo, section 163.023, RSMo, sections 166.275 and 166.300, RSMo, section 170.254, RSMo, section 173.750, RSMo, and sections 178.585 and 178.698, RSMo, shall expire thirty days after certification of the results of the election.]

160.545. 1. There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable district-wide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the

program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

4. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

5. Within the amount appropriated for the program, in addition to the grants to public schools authorized by subsections 1 to 3 of this section, the commissioner of education shall, by rule and regulation of the state board of education and with the advice of the coordinating board for higher education, establish a procedure for the reimbursement of the cost of tuition, books and fees to **any public four-year college or** any public community college or vocational or technical school for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the state board of education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of said board.

6. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 9, Section 170.015, Line 10 of said page, by inserting immediately preceding said line the following: "**Such policies shall be applied in a manner which is consistent with the provisions of section 167.611, RSMo.**".

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 9, Section 170.015, Lines 19 to 24 of such page, by deleting all of said lines and inserting in lieu thereof the following:

"5. Each school district that offers sex education course material or instruction on human sexuality and sexually transmitted diseases shall present a summary of said course materials to the parents of the children enrolled in school and obtain the written consent of the parent prior to instructing their child on human sexuality, sexually transmitted diseases and other sex education topics.".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, House, Goode and Russell.

SA 13 failed of adoption by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Goode
Howard	Jacob	Johnson	Lybyer
Maxwell	McKenna	Quick	Scott--12

Nays--Senators

Bentley	Childers	DePasco	Ehlmann
Flotron	Graves	House	Kenney
Kinder	Klarich	Mathewson	Russell
Schneider	Sims	Singleton	Westfall
Wiggins	Yeckel--18		

Absent--Senators

Curls	Mueller	Rohrbach	Staples--4
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Absent with leave--Senators--None

Senator Childers offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Bill No. 168, Page 7, Section 167.275, Line 10, by adding after the period on said line the following: "Such school shall provide the number of years such dropout students have attended the reporting school district.".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Johnson resumed the Chair.

At the request of Senator House, **SB 168**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Schneider moved that **SB 97**, with **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Flotron, the above amendment was withdrawn.

Senator Schneider offered **SS** for **SB 97**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 97

An Act to repeal sections 630.155, 630.167 and 630.710, RSMo Supp. 1996, relating to the confidentiality of mental health reports, and to enact in lieu thereof three new sections relating to the same subject.

Senator Schneider moved that **SS** for **SB 97** be adopted, which motion prevailed.

On motion of Senator Schneider, **SS** for **SB 97** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 211** and has again taken up and passed **HB 211**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Fourth State Building Fund, and to transfer money among certain funds for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money from the General Revenue Fund to the State School Moneys Fund, and to transfer money from the General Revenue Fund to the Video Instructional Development and Educational Opportunity Fund, and to transfer money from the General Revenue Fund to the Outstanding Schools Trust Fund, and to transfer money from the Gaming Proceeds for Education Fund to the State School Moneys Fund and to transfer money from the Gaming Proceeds for Education Fund to the School

District Bond Fund and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 3**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 4**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 5**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 6**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, and the several divisions and programs thereof and for the expenses, grants, refunds,

distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources, Department of Conservation, and for payments to counties for the unimproved value of land in lieu of property taxes for privately owned lands acquired by the Conservation Commission after July 1, 1977 and for lands classified as forest croplands, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 7**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 8**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 9**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 466**, begs leave to

report that it has considered the same and recommends that the bill do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 326**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 2**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 274**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SJR 9**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 9, Page 2, Section 30(b), Line 26 by striking the following: "and toll"; and further on said line, by inserting immediately after the word "highways" the following: "**and free or toll bridges**"; and

Further amend said bill, page 4, section 30(d), line 2, by striking the following: "toll roads and"; and further amend line 5, by striking the word "highways" and inserting in lieu thereof the word "**bridge**" as it appears both times on said line; and further amend line 6, by striking the following: "roads and"; and further amend line 7, by striking the word "road" and inserting in lieu thereof the word "**bridge**"; and further amend line 8, by striking the word "road" and inserting in lieu thereof the word "**bridge**"; and further amend lines 9-10, by striking the following: "roads and"; and further amend line 11, by striking the word "road" and inserting in lieu thereof the word "**bridge**"; and further amend line 13, by striking the word "road" and inserting in lieu thereof the word "**bridge**".

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which were referred **SB 457** and **SB 458**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 298**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 298, Page 1, In the Title, Line 5, by deleting the word "fifteen" and inserting in lieu thereof the word "sixteen"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "fifteen" and inserting in lieu thereof the word "sixteen"; and

Further amend said bill, Page 1, Section A, Line 6, by deleting the word and number "and 86.672" and inserting in

lieu thereof the following: "86.672 and 86.810"; and

Further amend said bill, Page 27, Section 86.672, Line 132, by adding after all of said line the following:

"86.810. The provisions of any other law notwithstanding, the board of trustees of any retirement system, the provisions of which are governed by this chapter, or any political subdivision which funds such retirement system, shall have standing to seek a declaratory judgment concerning the application of article X, section 21 of the Missouri Constitution to the provisions of this act. In the event a final judgment is rendered by a court which judgment determines that any provision of this act constitutes a new activity or service or increase in the level of an activity or service beyond that required by existing law under article X, section 21 of the Missouri Constitution, or any successor to that section, that provision of this act shall be void ab initio and any new benefit or feature required by such provision of this act shall be deemed not to have accrued and shall not be payable to members."

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 319**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 449**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 449, Page 8, Section 30.953, Line 57, by inserting immediately after the word "governor" the following: ", **at least one of whom is a representative of the community foundations of Missouri**".

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 173**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 49**, **SB 213**, **SB 130**, **SB 32**, **SB 235** and **SB 221**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 432**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 108**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 108, Page 1, Section 305.230, Line 7, by inserting immediately after "subdivision" the

following: "**or instrumentality**"; and further amend said bill, Line 12, by inserting after "subdivision" the following: "**or instrumen-tality**"; and further amend said bill, Page 2, Line 22, by inserting after "subdivisions" the following: "**instrumentalities**"; and

Further amend said bill, Page 4, Line 89, by inserting immediately after said line the following:

"7. As used in this section, the term "instrumentality of the state" shall mean any state educational institution as defined in section 176.010, RSMo or any state agency which owns or operates an airport on January 1, 1997."

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SJR 13**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SJR 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 147**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **SB 225** and **SB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 282**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Maxwell submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 376**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SJR 6**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SJR 19**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which were referred **SB 259** and **SB 80**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 162**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 451**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SJR 4**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 44**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 381**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 281**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 338**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 338, Page 1, Section 491.205, Line 13, by inserting immediately after the word "be" the following: "**criminally**"; and further amend line 14, by striking "penalty, criminal or otherwise," and inserting in lieu thereof the following: "**criminal penalty**".

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 338, Page 1, Section 491.205, Line 5, by striking the word "shall" and inserting in lieu

thereof the following: "**may**"; and further amend line 7, by inserting immediately after the word "section" the following: "**and upon a finding that the public interest so requires**".

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 21**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications services and energy services and sources which will likely create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy, including electricity and other energy sources, and this trend has both potential benefits and potential adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Eighty-Ninth General Assembly, the House of Representatives concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function during the interim between the first and second regular sessions of the Eighty-Ninth General Assembly; and

BE IT FURTHER RESOLVED, that said committee conduct an in depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications and energy services taxation, competition between governmental entities and private telecommunication entities, the need to maintain and sufficiently fund emergency telephone services ("911") in light of the increased use of cellular phones and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED, that said committee conduct an in depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale including consideration of the effects on residential customers, small business customers, large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED, that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Eighty-Ninth General Assembly; and

BE IT FURTHER RESOLVED, that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the

Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED, that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED, that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 12**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 633--Corrections and General Laws.

HS for **HCS** for **HB 454**--Aging, Families and Mental Health.

HB 31--Local Government and Economic Development.

HB 41--Local Government and Economic Development.

HB 63--Corrections and General Laws.

HB 124--Transportation.

HB 125--Local Government and Economic Development.

HB 169--Elections, Pensions and Veterans' Affairs.

HB 249--Commerce and Environment.

HB 318--Financial and Governmental Organization.

HB 379--Agriculture, Conservation, Parks and Tourism.

HB 386--Insurance and Housing.

HB 394--Transportation.

HB 482--Elections, Pensions and Veterans' Affairs.

HB 521--Education.

HB 543--Elections, Pensions and Veterans' Affairs.

HB 609--Local Government and Economic Development.

HB 604--Education.

HB 612--Elections, Pensions and Veterans' Affairs.

HB 622--Insurance and Housing.

HB 628--Education.

HB 652--Financial and Governmental Organization.

HB 655--Financial and Governmental Organization.

HB 689--Local Government and Economic Development.

HB 700--Agriculture, Conservation, Parks and Tourism.

HB 709--Commerce and Environment.

HB 711--Local Government and Economic Development.

HB 727--Civil and Criminal Jurisprudence.

HB 761--Elections, Pensions and Veterans' Affairs.

HB 791--Corrections and General Laws.

HB 793--Insurance and Housing.

HB 797--Education.

HB 343--Civil and Criminal Jurisprudence.

HS for **HB 390**--Corrections and General Laws.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 458, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. John Hayes, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 459, regarding the One Hundred Fifteenth Anniversary of the Hopkins Christian Church, Hopkins, which was adopted.

Senator Graves offered Senate Resolution No. 460, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Burman Kelley, Clearmont, which was adopted.

Senator Graves offered Senate Resolution No. 461, regarding Cale Allen Griffin, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 462, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Everett McCampbell, New Hampton, which was adopted.

Senator Graves offered Senate Resolution No. 463, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edwin Wright, Craig, which was adopted.

Senator Kenney offered Senate Resolution No. 464, regarding Alexander Elliott (Alex) Miller, Lee's Summit, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Suzanne, Alexandra, Jonathan (Jay) and Chandler Dalton, Town and Country; and Jonathan was made an honorary page.

Senator Howard introduced to the Senate, Mike Mills, Bernie; and Larry and Kay Strobel, Bell City.

Senator Klarich introduced to the Senate, Jean, Colleen, Ryan and Culleen McCormick, St. Louis.

Senator Johnson introduced to the Senate, twenty-five students from North Andrew County R-VI School, Rosendale.

Senator Rohrbach introduced to the Senate, Allison Hilty, Patrick Rowland, Adam Geary, Fred Smiley and Bill Hunter, Morgan County.

Senator Banks introduced to the Senate, Mr. and Mrs. Vince Lindwedel, and their children, Melissa, Lauren, Brittany and Taylor, St. Louis; and Melissa, Lauren, Brittany and Taylor were made honorary pages.

Senator Maxwell introduced to the Senate, Mary Davis, Christy Rentfro and Alisha Stotler, Vandalia; and Michelle Hull, Farber.

Senator Johnson introduced to the Senate, eighty-five fourth grade students from Union Chapel School, Kansas City; and Katelin Duffie, Mark Robison, John Westbrook and Hannah Hevalow were made honorary pages.

Senator Yeckel introduced to the Senate, Linda Rasch, and St. Simon Cub Scouts, St. Louis; and Bob Hof, Danny Rasch, Chris Piesbergen and Nick Rasch were made honorary pages.

Senator Mathewson introduced to the Senate, Donnie Cox, Jeff Campbell, Brad Cox, Beth Schalk, Becky Howe and Dana Farmer, Caldwell County.

Senator Johnson introduced to the Senate, three hundred and thirty delegates from the Farm Bureau Youth Leadership Day.

Senator Kinder introduced to the Senate, Larry Rausch, Perryville.

Senator Rohrbach introduced to the Senate, his sister-in-law, Joyce Rohrbach, Jamestown.

Senator Rohrbach introduced to the Senate, Becka Trask, Amanda Wright, Aaron Birdsong, Shawn Rush and Dori Wright, Miller County.

Senator Kenney introduced to the Senate, Debbie Prunte, Pat Lehman, Mary Rye, Maureen Ruf, and Girl Scout Troop 914 from Westview Elementary, Lee's Summit.

On behalf of Senator McKenna, the President introduced to the Senate, Becky Wyatt and fourth grade students and parents from Murphy Elementary School, Jefferson County.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Tuesday, April 1, 1997.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FOURTH DAY--TUESDAY, APRIL 1, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Dear Lord, things are always changing around us. There is so much technology today that most of us can't keep up with it. We are thankful that through the years You have remained the same. We can depend on You for help, guidance, wisdom and love. We are thankful for the one who changes not and we are grateful for the return of Senator Curls. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 27, 1997, was read and approved.

Senator Quick announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators

Banks	Graves--2
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The Lieutenant Governor was present.

RESOLUTIONS

Senators Clay and Scott offered Senate Resolution No. 465, regarding the Missouri Class 4A State Championship Girls Basketball Team from the Gateway Institute of Technology, St. Louis, which was adopted.

Senator Kinder offered Senate Resolution No. 466, regarding Dr. Robert D. Buchanan, which was adopted.

Senator Lybyer offered Senate Resolution No. 467, regarding Lucie Smith, which was adopted.

Senator Lybyer offered Senate Resolution No. 468, regarding Sharon A. Hardecke, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 469, regarding the St. Charles West High School Warriors Wrestling Team, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 470, regarding Craig Martin, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 471, regarding Matt Orton, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 472, regarding Francis Martin, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 473, regarding Eric Caldwell, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 474, regarding Charlie Rallo, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 475, regarding Tim Michel, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 476, regarding Lance Wilson, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 477, regarding Tim Rundel, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 478, regarding John Lorensen, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 479, regarding Eric Helsher, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 480, regarding Chad Benwell, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 481, regarding Brian Kos, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 482, regarding Jake Newsham, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 483, regarding Mark Vollmar, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 484, regarding Scott Bray, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 485, regarding Erin McGuire, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 486, regarding Matt McDonough, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 487, regarding Sean Masterson, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 488, regarding the Francis Howell High School Vikings Wrestling Team, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 489, regarding Jud Hoffman, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 490, regarding Mark Malawey, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 491, regarding Paul Ziegler, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 492, regarding Chris Lantz, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 493, regarding Dwight Downs, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 494, regarding Ray Chastain, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 495, regarding Mike Bloss, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 496, regarding Zack Stephens, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 497, regarding Ben Smith, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 498, regarding Alex Kyle, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 499, regarding Zack Abron, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 500, regarding Ben Garner, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 501, regarding Chris Kegley, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 502, regarding David Beasley, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 503, regarding Matt Hawes, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 504, regarding Matt Burbes, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 505, regarding Josh Plummer, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 506, regarding Mike Sander, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 507, regarding James Young, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 508, regarding Kevin Wheeler, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 509, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Nelson Keever, Maryville, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 510, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. J.R. Brown, Princeton, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 511, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lester Hessemyer, Bethany, which was adopted.

Senator Clay offered Senate Resolution No. 512, regarding The Black Archives of Mid-America, Inc., which was adopted.

Senator Jacob offered Senate Resolution No. 513, regarding Robert W. Maupin, which was adopted.

Senator Kenney offered Senate Resolution No. 514, regarding Chris Brown, which was adopted.

Senator Rohrbach offered Senate Resolution No. 515, regarding Renilda M. Mertens, Jefferson City, which was adopted.

Senator House offered Senate Resolution No. 516, regarding Jacob Tyler Bailey, St. Charles, which was adopted.

Senator Kenney offered Senate Resolution No. 517, regarding Lana Farnsworth and Rosemary Meyers of William

Southern Elementary School, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 518, regarding Jane Mings, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 519, regarding Shannon Watt, Angie McConico, Carla Migliazzo, Monica Paquette and Linda Roberts of Ervin Junior High School, which was adopted.

Senator Singleton offered Senate Resolution No. 520, regarding Cody Ritter, which was adopted.

Senator Singleton offered Senate Resolution No. 521, regarding the Webb City Boys Basketball Team, which was adopted.

Senator Rohrbach offered Senate Resolution No. 522, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Louis Leroy Poire, Jefferson City, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 10**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 11**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 12**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate

Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Daniel J. Abbott, 10125 Zenith Court, St. Louis, St. Louis County, Missouri 63123, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 1998, and until his successor is duly appointed and qualified; vice, Bassem Armaly, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gene Lee Burden, 109 Ray Street, Warrensburg, Johnson County, Missouri 64093, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 1999, and until his successor is duly appointed and qualified; vice, David R. Niebur, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald E. Clark, D.P.M., 212 North Connor, Joplin, Jasper County, Missouri 64801, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 1998, and until his successor is duly appointed and qualified; vice, Clifford Marston, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Martha Clevenger, 7525 Leadale, Greendale, St. Louis County, Missouri 63121, as a member of the Missouri Historical Records Advisory Board, for a term ending November 1, 1997, and until her successor is duly appointed and qualified; vice, Daniel Baldwin, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Trina V. Fleming, 8471 Chestnut Circle, #402, Kansas City, Jackson County, Missouri 64131, as a member of the Advisory Commission for Registered Physician Assistants, for a term ending March 27, 1999, and until her successor is duly appointed and qualified; vice, RSMo 334.749.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cassandra C. Herrman, Democrat, 10411 Audubon Place, Post Office Box 744, Rolla, Phelps County, Missouri 65401, as a member of the Community Service Commission, for a term ending December 15, 1999, and until her successor is duly appointed and qualified; vice, Jean Neal, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Maan H. Jawad, Ph.D., 3007 Cross View Estates, St. Louis, St. Louis County, Missouri 63129, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2000, and until his successor is duly appointed and qualified; vice, Richard Schussler, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

C. Drew Morten, 551 Highway C, St. Peters, St. Charles County, Missouri 63376, as a member of the Advisory Commission for Registered Physician Assistants, for a term ending March 27, 1998, and until his successor is duly appointed and qualified; vice, RSMo 334.749.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joseph M. Ojile, M.D., F.C.C.P., 2772 Brandenburg Lane, St. Louis, St. Louis County, Missouri 63129, as a member of the Advisory Commission for Registered Physician Assistants, for a term ending March 27, 1997, and until his successor is duly appointed and qualified; vice, RSMo 334.749.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bruce C. Scott, 1733 AA Highway, Post Office Box 442, Farmington, St. Francois County, Missouri 63640, as a member of the Peace Officer Standards Training Commission, for a term ending October 3, 1997, and until his successor is duly appointed and qualified; vice, David T. Pudlowski, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bonita M. Stepenoff, 217 North Henderson Avenue, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri State Historical Records Advisory Board, for a term ending November 1, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John Stephen Whitney, 626 E. Bain, Ozark, Christian County, Missouri 65721, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 1999, and until his successor is duly appointed and qualified; vice, Jack Davis, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joyce B. Winkels, 5212 S. Cowan Road, Columbia, Boone County, Missouri 65201, as a member of the Advisory Commission for Registered Physician Assistants, for a term ending March 27, 1999, and until her successor is duly appointed and qualified; vice, RSMo 334.749.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 211**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 176** be taken up for perfection, which motion prevailed.

Senator Maxwell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 176, Page 1, Section A, Line 2, by striking the number "644.507" and inserting in lieu thereof the number "644.508"; and

Further amend said bill, Page 1, Section 644.507, Line 1, by striking the number "**644.507**" and inserting in lieu thereof the number "**644.508**".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Maxwell, **SB 176**, as amended, was declared perfected and ordered printed.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

Senator Curls moved that **SB 24**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Curls, **SB 24**, as amended, was declared perfected and ordered printed.

Senator Goode moved that **SB 120**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Goode offered **SS** for **SB 120**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 120

An Act to repeal sections 304.155, 304.156, 304.157 and 304.158, RSMo Supp. 1996, relating to the removal of abandoned property, and to enact in lieu thereof four new sections relating to the same subject.

Senator Goode moved that **SS** for **SB 120** be adopted.

Senator Goode offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 120, Page 21, Section 304.158, Line 26, by striking the word "estate" and inserting in lieu thereof the word "**property**"; and further on line 27, by striking the word "estate" and inserting in lieu thereof the word "**property**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SS** for **SB 120**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **SB 120**, as amended, was declared perfected and ordered printed.

SB 223, with **SCS**, was placed on the Informal Calendar.

Senator Howard moved that **SB 79**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 79**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 79

An Act to amend chapter 265, RSMo, relating to agricultural products, by adding eleven new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up.

Senator Clay assumed the Chair.

Senator Howard moved that **SCS** for **SB 79** be adopted, which motion prevailed.

At the request of Senator Howard, **SCS** for **SB 79** was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 212**, entitled:

An Act to repeal sections 332.311, 334.031, 334.040, 334.100, 334.715, 337.021, 337.035, 338.043, 338.057,

338.059, 338.060, 338.065, 338.070, 338.100, 338.120, 338.130, 338.140, 338.220, 338.365 and 620.140, RSMo 1994, and sections 334.046, 334.735 and 337.020, RSMo Supp. 1996, relating to the division of professional registration, and to enact in lieu thereof twenty-four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 361**, entitled:

An Act to repeal sections 441.020, 441.040, 441.060, 441.130, 441.140, 534.030, 534.090, 534.330, 534.380, 535.020, 535.030, 535.040, 535.060, 535.070, 535.080, 535.090, 535.120, 535.130, 535.140, 535.150, 535.160, 535.170, 569.100 and 569.120, RSMo 1994, relating to certain landlord-tenant actions, and to enact in lieu thereof thirty new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 411**, entitled:

An Act to repeal sections 193.085, 193.087, 193.145, 193.215, 210.822, 210.832, 210.834, 210.839, 210.841, 210.842, 285.300, 285.302, 285.304, 288.250, 451.040, 452.305, 452.315, 452.345, 452.350, 452.370, 454.410, 454.415, 454.425, 454.440, 454.500, 454.455, 454.460, 454.465, 454.470, 454.475, 454.476, 454.485, 454.490, 454.495, 454.496, 454.505, 454.512, 454.513, 454.514, 454.515, 454.516, 454.517, 454.518, 454.519, 454.603, 454.808, 486.225 and 620.145, RSMo 1994, and sections 210.842, 452.345, 454.400, 454.850, 454.855, 454.860, 454.862, 454.867, 454.869, 454.871, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.927, 454.930, 454.932, 454.935, 454.937, 454.940, 454.942, 454.945, 454.947, 454.950, 454.952, 454.955, 454.957, 454.960, 454.962, 454.965, 454.967, 454.970, 454.972, 454.975, 454.977, 454.979, and 454.980, RSMo Supp. 1996, and to enact in lieu thereof one hundred twenty-nine new sections for the purpose of complying with federal mandates for child support enforcement, with penalty provisions, an effective date for certain sections and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 713**, entitled:

An Act relating to disposition of a stillborn child, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 663**, entitled:

An Act to repeal section 172.803, RSMo 1994, relating to research project awards, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 773**, entitled:

An Act relating to motor vehicles, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 769**, entitled:

An Act to repeal section 301.064, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 783**, entitled:

An Act to repeal section 302.171, RSMo Supp. 1996, relating to motor vehicle drivers' licenses, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 643**, entitled:

An Act to repeal section 197.415, RSMo 1994, relating to home health agencies, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 762**, entitled:

An Act relating to identification of health care personnel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS No. 3** for **SCS** for **SB 51**; **SS** for **SB 97**; **SS No. 2** for **SCS** for **SBs 202, 23** and **183**; and **SS** for **SB 361**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

HB 1--Appropriations.

HCS for **HB 2**--Appropriations.

HCS for **HB 3**--Appropriations.

HCS for **HB 4**--Appropriations.

HCS for **HB 5**--Appropriations.

HCS for **HB 6**--Appropriations.

HCS for **HB 7**--Appropriations.

HCS for **HB 8**--Appropriations.

HCS for **HB 9**--Appropriations.

HCS for **HB 529**--Corrections and General Laws.

HJR 2--Education.

HJR 12--Appropriations.

HJR 16--Elections, Pensions and Veterans' Affairs.

REFERRALS

President Pro Tem McKenna referred **SS** for **SB 361**; **SS No. 3** for **SCS** for **SB 51**; and **SS No. 2** for **SCS** for **SBs 202, 23** and **183** to the Committee on State Budget Control.

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 523, regarding Cindy Thresher, which was adopted.

Senator Lybyer offered Senate Resolution No. 524, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Calvin Henry Stafford, Holts Summit, which was adopted.

Senator Quick offered Senate Resolution No. 525, regarding Jeffery Alan (Jeff) Hermanson, Liberty, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Lybyer introduced to the Senate, his sister and her husband, Mr. and Mrs. Bob Odle, Houston.

Senator Jacob introduced to the Senate, his sister-in-law, Susan Plumer, her children, Ethan and David, Valrico, Florida; and her parents, Russ and Joy Sublette; and David and Ethan were made honorary pages.

Senator Howard introduced to the Senate, Rose Griffin, Bernie and Dimple Malloy, Essex.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIFTH DAY--WEDNESDAY, APRIL 2, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, superheroes have been popular for a long time. We all enjoy hearing stories of Superman and characters like him. We know Lord, that You aren't looking for superheroes but for ordinary people who will trust You and do Your will. Use us to do great things. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Quick announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

THIRD READING OF SENATE BILLS

SB 459, introduced by Senator Wiggins, entitled:

An Act to repeal sections 2.040 and 2.050, RSMo 1994, relating to session laws, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 459** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Graves	Schneider--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SB 187, with **SCA 1**, introduced by Senator Childers, entitled:

An Act to repeal section 168.021, RSMo 1994, relating to certification of teachers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Childers, **SB 187**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Bentley Graves--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 208**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

President Wilson assumed the Chair.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Maxwell offered **SS** for **SB 208**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 208

An Act to repeal section 41.435, RSMo 1994, and section 173.239, RSMo Supp. 1996, relating to the Missouri national guard, and to enact in lieu thereof two new sections relating to the same subject.

Senator Maxwell moved that **SS** for **SB 208** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 208, Page 2, Section 41.435, Line 13 of said page, by inserting immediately after said line the following:

"42.002. As used in sections 42.002 to 42.140, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Commission", the Missouri veterans' commission created by section 42.007;
- (2) "Executive director", the executive director of the Missouri veterans' commission, or his designee, under section 42.012;
- (3) "Missouri veterans' cemeteries", the property and facilities established and maintained pursuant to section 42.012;
- (4) "Missouri veterans' homes", the facilities established and maintained pursuant to section 42.100;
- (5) "Veteran", any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency **or any person who has an honorable discharge from the national guard.**

42.105. Citizens of the state of Missouri who meet the criteria established by the United States Department of Veterans' Affairs, or its successor organization, for veteran status **or who have an honorable discharge from the national guard** and who require institutional health care services shall be entitled to admission into a Missouri veterans' home. No spouse of a qualified veteran shall be required to vacate the premises of a Missouri veterans' home if the spouse was a resident of the home on August 28, 1989."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SS** for **SB 208**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SB 208**, as amended, was declared perfected and ordered printed.

Senator Curls moved that **SJR 12** be taken up for perfection, which motion prevailed.

President Pro Tem McKenna resumed the Chair.

Senator DePasco offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 12, Page 2, Section 11(g), Line 7, by striking the word "majority" and inserting in lieu thereof the word "four-sevenths".

Senator DePasco moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator House requested a standing division vote on the adoption of **SA 1**.

Senator Curls requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Caskey, Singleton, Westfall and Wiggins.

SA 1 failed of adoption by the following vote:

Yeas--Senators

DePasco	Ehlmann	Flotron	Graves
Kenney	Klarich	Mueller	Rohrbach
Russell	Sims	Singleton	Westfall
Yeckel--13			

Nays--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	Goode	House
Howard	Jacob	Johnson	Kinder
Lybyer	Mathewson	Maxwell	McKenna
Quick	Schneider	Wiggins--19	

Absent--Senators

Scott	Staples--2
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Absent with leave--Senators--None

At the request of Senator Curls, **SJR 12** was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 10**--Appropriations.

HCS for **HB 11**--Appropriations.

HCS for **HB 12**--Appropriations.

HCS for **HB 212**--Public Health and Welfare.

HS for **HCS** for **HB 361**--Insurance and Housing.

HCS for **HB 411**--Civil and Criminal Jurisprudence.

HB 643--Public Health and Welfare.

HB 663--Education.

HB 713--Commerce and Environment.

HB 762--Public Health and Welfare.

HB 769--Transportation.

HB 773--Transportation.

HB 783--Transportation.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 540**, entitled:

An Act to repeal section 475.120, RSMo 1994, relating to guardianship of a minor, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 526**, entitled:

An Act to repeal section 130.041, RSMo Supp. 1996, relating to campaign financial disclosures, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 590**, entitled:

An Act to repeal section 87.170, RSMo 1994, relating to certain firemen's retirement and relief systems, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 659**, entitled:

An Act to repeal section 50.515, RSMo 1994, relating to certain activities of county governing bodies, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 710**, entitled:

An Act to amend chapter 79, RSMo, relating to compensation of certain board members by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 712**, entitled:

An Act to repeal section 115.300, RSMo Supp. 1996, relating to absentee ballots, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 722**, entitled:

An Act to authorize the lease of certain property to a developer for the purpose of constructing a prison to be leased to the state.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 734**, entitled:

An Act to repeal section 115.121, RSMo 1994, relating to general and primary elections, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 749**, entitled:

An Act relating to municipal ordinances.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 756**, entitled:

An Act relating to security guards.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 771**, entitled:

An Act to repeal sections 138.010 and 138.020, RSMo 1994, relating to board of equalization members, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 523**, entitled:

An Act relating to certain road districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 340**, entitled:

An Act to repeal sections 204.257 and 204.300, RSMo 1994, relating to sewer districts, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 159**, entitled:

An Act to repeal section 249.520, RSMo 1994, relating to sewer improvement assessments, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 526, regarding Jacqueline Frieda, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 527, regarding the Christian Brothers College High School Boys Basketball Team, which was adopted.

Senator House offered Senate Resolution No. 528, regarding Reverend D. Randall Cone, Louisiana, which was adopted.

Senator Bentley offered Senate Resolution No. 529, regarding the death of Martha Ann Foster Appelquist, Springfield, which was adopted.

Senator Russell offered Senate Resolution No. 530, regarding the Boys Basketball Team of the Hartville R-2 Schools, which was adopted.

Senator Russell offered Senate Resolution No. 531, regarding the Girls Basketball Team of the Hartville R-2 Schools, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 6**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wiggins, **SB 6**, as amended, was declared perfected and ordered printed.

Senator House moved that **SB 168**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 168**, as amended, was again taken up.

Senator Howard offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 7, Section 170.015, Line 12, by striking the word "shall" and inserting in lieu thereof the word "**may**".

Senator Howard moved that the above amendment be adopted.

Senator House requested a roll call vote be taken on the adoption of **SA 15** and was joined in his request by Senators Childers, Mueller, Russell and Westfall.

SA 15 failed of adoption by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Goode
Howard	Jacob	Johnson	Mathewson
Maxwell	McKenna	Quick--11	

Nays--Senators

Bentley	Childers	Curls	DePasco
Ehlmann	Flotron	Graves	House
Kenney	Kinder	Klarich	Lybyer
Mueller	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Westfall
Wiggins	Yeckel--22		

Absent--Senators--Sims--1

Absent with leave--Senators--None

Senator House moved that **SS** for **SCS** for **SB 168**, as amended, be adopted, which motion prevailed.

On motion of Senator House, **SS** for **SCS** for **SB 168**, as amended, was declared perfected and ordered printed.

Senator Curls moved that **SJR 12** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Curls offered **SS** for **SJR 12**, entitled:

SENATE SUBSTITUTE FOR

SENATE JOINT RESOLUTION NO. 12

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 11(b) and 11(c) of article X of the Constitution of Missouri, relating to limitations on local tax rates and adopting three new sections in lieu thereof relating to the same subject.

Senator Curls moved that **SS** for **SJR 12** be adopted.

Senator Flotron offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Joint Resolution No. 12, Pages 2-4, Sections 11(b) and 11(c), by striking said sections and amending the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Banks requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Flotron, Klarich, Rohrbach and Russell.

SA 1 failed of adoption by the following vote:

Yeas--Senators

Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Sims	Singleton
Westfall	Yeckel--14		

Nays--Senators

Banks	Bentley	Caskey	Curls
DePasco	Goode	House	Howard
Jacob	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Quick	Schneider
Scott	Staples	Wiggins--19	

Absent--Senators--Clay--1

Absent with leave--Senators--None

Senator Klarich offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Joint Resolution No. 12, Page 5, Section 11(g), Line 2, by adding at the end thereof, the following: "Any proposed increase in the operating levy pursuant to the terms of this section shall be submitted to the voters of the district voting thereon on the next regular November election."

Senator Klarich moved that the above amendment be adopted.

Senator Klarich offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Joint Resolution No. 12, Page 1, Section 11(g), Line 5, by adding at the end of said line, the following: "unless 10% of the voting public submit such vote to the voters of the district voting thereon."

Senator Klarich moved that the above amendment be adopted.

Senator Johnson resumed the Chair.

At the request of Senator Klarich, **SA 1** to **SA 2** was withdrawn.

Senator Mathewson resumed the Chair.

At the request of Senator Klarich, **SA 2** was withdrawn.

Senator Flotron offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Joint Resolution No. 12, Page 1, Line 5, by inserting after the word "state," the following: "on two ballots for Sections 11(b) and 11(c) and separately for Section 11(g),".

Senator Flotron moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 3** is out of order in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

Senator Howard moved that **SB 380**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Howard, **SA 1** was withdrawn.

Senator Howard offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 380, Page 1, Section 630.003, Line 7, by striking the word "three" and inserting in lieu thereof the word "**two**"; and

Further amend said bill, page and section, line 10, by inserting after the word "duties" the following: ", **to assist the commission carry out its planning functions and perform other duties as directed by the commission**".

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Howard moved that **SCS** for **SB 380**, as amended, be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SB 380**, as amended, was declared perfected and ordered printed.

Senator Lybyer moved that **SB 22**, with **SA 1**, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Mathewson, **SA 1** was withdrawn.

Senator Lybyer offered **SS** for **SB 22**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 22

An Act to repeal sections 178.420 and 178.635, RSMo Supp. 1996, relating to Linn State Technical College, and to enact in lieu thereof two new sections relating to the same subject.

Senator Lybyer moved that **SS** for **SB 22** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SS** for **SB 22** was declared perfected and ordered printed.

Senator Caskey moved that **SB 264** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Johnson resumed the Chair.

On motion of Senator Caskey, **SB 264** was declared perfected and ordered printed.

Senator Howard moved that **SCS** for **SB 79** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Howard moved that **SCS** for **SB 79** be declared perfected and ordered printed, which motion prevailed on a standing division vote.

Senator Mathewson resumed the Chair.

Senator House moved that **SB 287**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Johnson resumed the Chair.

At the request of Senator Jacob, **SA 1** was withdrawn.

Senator Jacob offered **SS** for **SCS** for **SB 287**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 287

An Act to repeal section 313.835, RSMo 1994, relating to certain scholarship programs, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Senator Jacob moved that **SS** for **SCS** for **SB 287** be adopted.

Senator Mathewson resumed the Chair.

At the request of Senator House, **SB 287**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SB 208**; **SB 24**; **SS** for **SB 120**; and **SB 176**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HCS** for **HB 356**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass.

RESOLUTIONS

Senators Ehlmann and House offered Senate Resolution No. 532, regarding the Wentzville High School Indians Wrestling Team, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 533, regarding Jake LaManna, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 534, regarding Billy Warren, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 535, regarding Erik Simms, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 536, regarding the Fort Zumwalt North High School Panthers Wrestling Team, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 537, regarding John Gibbs, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 538, regarding Gary Peterson, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 539, regarding Andy Ladlie, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 540, regarding the Francis Howell North High School Knights Wrestling Team, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 541, regarding Harold Ritchie, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 542, regarding Josh Overy, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 543, regarding Sean Fowler, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 544, regarding Brian Struckman, which was adopted.

Senator Schneider offered Senate Resolution No. 545, regarding Ben Smythe, St. Louis, which was adopted.

Senator Schneider offered Senate Resolution No. 546, regarding Shanan M. Litteken, St. Ann, which was adopted.

Senator Jacob offered Senate Resolution No. 547, regarding the 53rd Anniversary of "Exercise Tiger", which was adopted.

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, the Physician of the Day, Dr. Lou Harris, Bolivar.

Senator Klarich introduced to the Senate, Kim Campbell, St. Clair; and Cheryl Phillips, Riverview.

Senator Staples introduced to the Senate, Joel Cummings, Jefferson County.

Senator Westfall introduced to the Senate, Mary Hodges, Sue Groves and Jim Lee, Springfield.

Senator Jacob introduced to the Senate, sixty-three twelfth grade students from Hickman High School, Columbia.

Senator Caskey introduced to the Senate, Diana Gladfelter, Linda Schnakenberg, Millie Henson, Kay Dewees and Jodi Ingram, Warrensburg.

Senator Lybyer introduced to the Senate, Cindy Thresher, St. James.

Senator Klarich introduced to the Senate, MSTA Teachers from Washington County.

Senator Childers introduced to the Senate, Paula and Rick Shields, Hollister.

On behalf of Senator McKenna, the President introduced to the Senate, Senator McKenna's mother, Mrs. Virginia McKenna, and his aunt and uncle, Jim and Mary Kay Lydon, St. Louis.

Senator Sims introduced to the Senate, her mother, Betty Rosen, St. Louis.

Senator Howard introduced to the Senate, Sandi and Sheldon Price, Poplar Bluff; and Sheldon was made an honorary page.

Senator Yeckel introduced to the Senate, Joan Wiese, and seventy fourth grade students from Trautwein Elementary School, St. Louis; and Megan Piel, Albert Maixner, Scott Barricklow and Marissa Paszkiewicz were made honorary pages.

Senator Yeckel introduced to the Senate, Evelyn Jost, and a group of ladies from the South Fork YMCA-Active Older Adults group, St. Louis.

Senator Wiggins introduced to the Senate, Victor Smith, Jeanne Kirkpatrick, Sr. Mary Kay Hadican, CSJ, Myra D. Everette, Jim Pruetting, Cindy Jobes, Rick Burns, Carol Pope and Ken Smithers, South Kansas City.

Senator Singleton introduced to the Senate, Morris Glaze, Sheila Smith, Belinda Belk, Wes King, Amy Potter, Kim Rhea, Bill Lee, Cynthia Schwartz, Susan Hoescht, Jay McBee, Heather Colson, Ann Butts, Ron Pence, Gary Cameron, Steve Evans, Wes Braman, Christy Herrin, Karen Fritchey, Tonya Sprenkle, Peggy Fuller and Tracey Osborne, Joplin.

Senator Kenney introduced to the Senate, Ken Suter, North Kansas City.

Senator Sims introduced to the Senate, twenty members of Girls Inc., St. Louis.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SIXTH DAY--THURSDAY, APRIL 3, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we all have our problems. Sometimes they are very difficult to deal with. We pray that You will help us to deal with our problems honestly and with courage. Keep us from pushing them off on someone else. Give us the strength to help those whose problems are greater than our own. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Quick announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

CONCURRENT RESOLUTIONS

Senator Caskey offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 23

WHEREAS, blind children deserve a quality education just like all other school children; and

WHEREAS, since 1990, section 167.225, RSMo, as enacted in SB 740 from 1990, the "Excellence in Education Act", has required education in Braille be provided for those students who would benefit from such training; and

WHEREAS, adequate education in Braille and cane travel are crucial to a blind person's success in postsecondary education and in gainful employment; and

WHEREAS, there is an insufficient number of people trained in the teaching of Braille and cane travel to meet the needs of blind students in Missouri; and

WHEREAS, instruction in Braille and cane travel can be provided by properly trained paraprofessionals; and

WHEREAS, the Division of Special Education of the Department of Elementary and Secondary Education has not implemented training to the extent necessary to provide a quality education for all blind students:

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Eighty-Ninth General Assembly, the House of Representatives concurring therein, that the Division of Special Education of the Department of Elementary and Secondary Education develop and implement a plan to employ enough properly-trained instructors, including paraprofessionals, to teach Braille and cane travel to all blind students in Missouri who would benefit from such training; and

BE IT FURTHER RESOLVED, that such implementation plan include an incentive program to encourage more individuals, including current instructional staff, to become teachers of Braille and cane travel; and

BE IT FURTHER RESOLVED, that the Division of Special Education of the Department of Elementary and Secondary Education annually provide a report to the Governor and General Assembly, no later than December first of each year, which report describes the Division's progress in implementing the plan, any significant obstacles to continued progress in implementation and the Division's recommendations for removing these obstacles; and

BE IT FURTHER RESOLVED, that the Division of Special Education of the Department of Elementary and Secondary Education conduct a statewide study to assess the literacy of blind students on a grade-level basis and report its findings and recommendations to improve the literacy of blind students to the Governor and General Assembly no later than December 1, 1997; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate prepare and transmit properly inscribed copies of this resolution to the Director of the Division of Special Education of the Missouri Department of Elementary and Secondary Education and to the Missouri Commissioner of Education.

REFERRALS

President Pro Tem McKenna referred **SS** for **SB 208**; **SB 24**; **SB 176**; and **HCS** for **HB 356**, with **SCS**, to the Committee on State Budget Control.

THIRD READING OF SENATE BILLS

SS for **SB 97**, introduced by Senator Schneider, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 97

An Act to repeal sections 630.155, 630.167 and 630.710, RSMo Supp. 1996, relating to the confidentiality of mental health reports, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Schneider, **SS** for **SB 97** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	DePasco	Lybyer--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SS for **SB 120**, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 120

An Act to repeal sections 304.155, 304.156, 304.157 and 304.158, RSMo Supp. 1996, relating to the removal of abandoned property, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

On motion of Senator Goode, **SS** for **SB 120** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Bentley Johnson--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Quick announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 275** be taken up for perfection, which motion prevailed.

Senator Kinder offered **SS** for **SB 275**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 275

An Act to repeal sections 188.015, 188.030, 188.035 and 188.075, RSMo 1994, relating to abortions, and to enact in lieu thereof five new sections relating to the same subject, with a penalty provision.

Senator Kinder moved that **SS** for **SB 275** be adopted.

At the request of Senator Kinder, **SB 275**, with **SS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SB 361**; **SS No. 3** for **SCS** for **SB 51**; **SS No. 2** for **SCS** for **SBs 202, 23** and **183**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Johnson assumed the Chair.

THIRD READING OF SENATE BILLS

SS No. 3 for **SCS** for **SB 51**, introduced by Senator McKenna, entitled:

SENATE SUBSTITUTE NO. 3 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 51

An Act to repeal sections 452.150, 452.355, 452.370, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605 and 454.496 RSMo 1994, and sections 452.340, 452.375 and 452.400, RSMo Supp. 1996, relating to child custody and child support proceedings, and to enact in lieu thereof fifteen new sections relating to the same subject.

Was taken up.

On motion of Senator McKenna, **SS No. 3** for **SCS** for **SB 51** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SCS** for **SBs 202, 23** and **183**, introduced by Senator Maxwell, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 202, 23 and 183

An Act to repeal sections 96.230, 96.240, 96.250, 96.260, 96.270, 96.280, 96.290, 161.193, 167.260, 205.590, 205.600, 205.610, 205.620, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 205.765, 205.766, 205.767, 205.769, 205.770, 205.780, 205.790, 205.820, 205.830, 205.840, 205.850, 205.860, 205.870, 205.880, 205.890, 205.900, 205.910, 205.920, 205.930, 205.940, 205.950, 207.010, 207.090, 208.010, 208.015, 208.040, 208.041, 208.042, 208.043, 208.044, 208.047, 208.048, 208.050, 208.060, 208.075, 208.080, 208.120, 208.150, 208.160, 208.170, 208.180, 208.182, 208.325, 208.337, 208.339, 208.342, 208.345, 208.400, 208.405, 208.410, 208.415, 208.500, 208.503, 208.505, 210.245, 210.252, 210.256, 473.399, 620.481, 620.521, 620.523, 620.527, 620.528, 620.529, 620.537, 660.016, 660.020, 660.023, and 660.026, RSMo 1994, and sections 135.240, 208.151, 210.221, 620.530 and 660.017, RSMo Supp. 1996, relating to public health and welfare, and to enact in lieu thereof eighty-four new sections relating to the same subject with an effective date for certain sections.

Was taken up.

On motion of Senator Maxwell, **SS No. 2** for **SCS** for **SBs 202, 23** and **183** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Goode--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SS for **SB 361**, introduced by Senator Caskey, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 361

An Act to repeal sections 193.085, 193.087, 193.145, 193.215, 210.822, 210.832, 210.834, 210.839, 210.841, 285.300, 285.302, 285.304, 288.250, 379.116, 451.040, 452.305, 452.315, 452.350, 452.370, 454.410, 454.415, 454.425, 454.440, 454.455, 454.460, 454.465, 454.470, 454.475, 454.476, 454.485, 454.490, 454.495, 454.496, 454.500, 454.505, 454.512, 454.513, 454.514, 454.515, 454.516, 454.517, 454.518, 454.519, 454.603, 454.808, 486.225 and 620.145, RSMo 1994, sections 452.340, 454.400, 454.850, 454.855, 454.860, 454.862, 454.867, 454.869, 454.871, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.927, 454.930, 454.932, 454.935, 454.937, 454.940, 454.942, 454.945, 454.947, 454.950, 454.952, 454.955, 454.957, 454.960, 454.962, 454.965, 454.967, 454.970, 454.972, 454.975, 454.977, 454.979 and 454.980, RSMo Supp. 1996, and sections 210.842 and 452.345, as both versions of such sections appear in RSMo Supp. 1996, and to enact in lieu thereof one hundred thirty-three new sections for the purpose of complying with federal mandates for child support enforcement, with penalty provisions, an effective date for certain sections and an emergency clause.

Was taken up.

On motion of Senator Caskey, **SS** for **SB 361** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Goode--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay Goode--2

Absent with leave--Senators--None

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

President Pro Tem McKenna resumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 275**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 275** was again taken up.

Senator Mathewson assumed the Chair.

At the request of Senator Kinder, **SB 275**, with **SS** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 159--Local Government and Economic Development.

HB 340--Local Government and Economic Development.

HB 523--Local Government and Economic Development.

HB 526--Elections, Pensions and Veterans' Affairs.

HB 540--Civil and Criminal Jurisprudence.

HB 590--Elections, Pensions and Veterans' Affairs.

HB 659--Financial and Governmental Organization.

HB 710--Local Government and Economic Development.

HB 712--Elections, Pensions and Veterans' Affairs.

HB 722--Corrections and General Laws.

HB 734--Elections, Pensions and Veterans' Affairs.

HB 749--Local Government and Economic Development.

HB 756--Local Government and Economic Development.

HB 771--Local Government and Economic Development.

RESOLUTIONS

Senator Russell offered Senate Resolution No. 548, regarding Kathryn Austin, Mountain Grove, which was adopted.

Senator Russell offered Senate Resolution No. 549, regarding Betty L. Collette, Lebanon, which was adopted.

Senator Russell offered Senate Resolution No. 550, regarding Jan and Terry Primas, Waynesville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Donald W. DeProw, Tallapoosa; Eddie Jarboe, Steele; Bonnie and Ron Yersak, Dexter; Sondra Booker, Holland; Helen Lafferty, Cooter; Roberta Fain, Qulin; Peggy Brewington, Gideon; Bill Clark, Cardwell; Bill York, Blodgett; Lewis E. Aukes and Robert Mizell, Hornersville; Joyce and Don Lancaster, Risco; Doyle Mitchell, Puxico; and Ryan Mayo and Pam Wheeler, Bloomfield.

Senator Kinder introduced to the Senate, Tom

Mueller, and forty fourth grade students from Washington School, Cape Girardeau; and Sarah Riley-Land, Katie Dillingham, Kelly O'Brien and Eric Neibhors were made honorary pages.

Senator Westfall introduced to the Senate, the Physician of the Day, Dr. Jeff Tedrow, and his daughter, Sarah, Bolivar; and Sarah was made an honorary page.

Senator Caskey introduced to the Senate, Katie Dyer, and sixty eighth grade students from Cass-Midway School, Cleveland.

Senator Staples introduced to the Senate, Melanie Smith and fourth grade students from Bismarck School, Bismarck.

Senator Yeckel introduced to the Senate, Girl Scouts from Beasley Elementary School, St. Louis; and Jessica Hawkins, Ashley Mason, Dianna Grass, Amanda Sellmann, Michelle Hihn, Julie Holmes, Kelly Wuellner and Dana Meyer were made honorary pages.

Senator Caskey introduced to the Senate, Larry Descombes, and thirty eighth grade students from Leeton R-10 School, Leeton.

On behalf of Senator McKenna, the President introduced to the Senate, Navy Captain Thomas Otterbein, and his

wife, Kasia, Newport News, Virginia; and former State Representative Carl Niewoehner, Columbia.

On motion of Senator Quick, the Senate adjourned until 3:00 p.m., Monday, April 7, 1997.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SEVENTH DAY--MONDAY, APRIL 7, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are thankful just to wake up in the morning, for the morning and evening when the skies treat our eyes, and for people with whom we can share both joys and sorrows. Forgive us when we complain about the aches and pains. Thank You for the work You gave us to do. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 3, 1997, was read and approved.

Senator Quick announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 551, regarding Linn County Health Department, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 552, regarding the Jefferson Lady Eagles Basketball Team, which was adopted.

Senator Graves offered Senate Resolution No. 553, regarding Nick Eiberger, which was adopted.

Senator Graves offered Senate Resolution No. 554, regarding Betty Francis Hall, which was adopted.

Senator Graves offered Senate Resolution No. 555, regarding Dr. James and Betty Selby, Trenton, which was adopted.

Senator Mueller offered Senate Resolution No. 556, regarding Marilyn Stewart, which was adopted.

Senator McKenna offered Senate Resolution No. 557, regarding The Dow Chemical Company, Midland, Michigan, which was adopted.

Senator Quick offered Senate Resolution No. 558, regarding Michael Patrick McBain, which was adopted.

Senator Flotron offered Senate Resolution No. 559, regarding Dr. Margaret Rose "Peggy" Dolan, which was adopted.

Senator McKenna offered Senate Resolution No. 560, regarding Matthew Edward Klingler, Imperial, which was adopted.

Senator Maxwell offered Senate Resolution No. 561, regarding the Sixty-fifth Birthday of James Francis Keller, which was adopted.

Senator Mathewson offered Senate Resolution No. 562, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Paul Barnes, Sedalia, which was adopted.

Senator Lybyer offered Senate Resolution No. 563, regarding Merle L. Strouse, Rolla, which was adopted.

Senator Lybyer offered Senate Resolution No. 564, regarding Brett D. Phillips, which was adopted.

Senator Graves offered Senate Resolution No. 565, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin D. Sloan, Stewartsville, which was adopted.

Senator Caskey offered Senate Resolution No. 566, regarding Michael T. Carey, Warrensburg, which was adopted.

Senator Klarich offered Senate Resolution No. 567, regarding Peggy Browne, which was adopted.

Senator Graves offered Senate Resolution No. 568, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Orval King, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 569, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank Smith, Amity, which was adopted.

Senator Caskey offered Senate Resolution No. 570, regarding Jackie Harmon, Warrensburg, which was adopted.

Senator Quick offered Senate Resolution No. 571, regarding Alicia Lewis, Holt, which was adopted.

Senator Quick offered Senate Resolution No. 572, regarding Mr. Wayne E. Krueger, Smithville, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 275**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 275** was again taken up.

Senator Johnson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

Senator Clay offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 275, Page 4, Section 188.033, Lines 14-17, by deleting said lines and inserting the following:

"188.033. No physician shall perform an intact D & X abortion of a viable unborn child unless necessary to preserve the life of the woman, except a physician may perform an intact D & X abortion of an unborn child with a lethal abnormality which will result in intrauterine or neonatal death.".

Senator Clay moved that the above amendment be adopted.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

Senator Jacob offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 275, Page 2, Section 188.015, Lines 10-13, by deleting said lines and inserting the following:

"(5) "Intact Dilation and Extraction", a method or technique of abortion in which the physician deliberately dilates the cervix, usually over a sequence of days; performs instrumental conversion of the fetus to a footling breech; performs breech extraction of the body excepting the head; and performs partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead or dying fetus otherwise intact."; and

Further amend said bill, page 4, Section 188.033, lines 14 and 15, by deleting said lines and the words "the mother." on line 16 and inserting the following:

"188.033. No physician shall perform an intact D & X abortion of a viable unborn child unless necessary to preserve the life or health of the woman."

Senator Jacob moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Ehlmann, House, Rohrbach and Russell.

SSA 1 for **SA 1** failed of adoption by the following vote:

Yeas--Senators

Banks	Clay	Goode	Howard
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Jacob	Sims--6		
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Nays--Senators

Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Graves
House	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Westfall	Wiggins	Yeckel--28

Absent--Senators--None

Absent with leave--Senators--None

SA 1 was again taken up.

Senator Clay moved that the above amendment be adopted.

Senator Rohrbach requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Mathewson, Kinder, Ehlmann and Childers.

SA 1 failed of adoption by the following vote:

Yeas--Senators

Banks	Clay	Goode	Jacob
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Johnson--5

Nays--Senators

Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Graves
House	Howard	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Westfall	Wiggins	Yeckel--28

Absent--Senators--Sims--1

Absent with leave--Senators--None

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 275, Page 4, Section 188.033, Lines 15 and 16, by inserting in line 15 immediately after the word "abortion" the words "**of a viable fetus**"; and by inserting in line 16 immediately after the word "mother" the following: "**or to protect the mother from severe, long-term physical injury or physical disability. Physical injury or physical disability shall not include psychological, cosmetic or emotional health, injury or disability.**".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Clay, Goode, Mathewson and Rohrbach.

SA 2 failed of adoption by the following vote:

Yeas--Senators

Banks	Clay	Goode	Howard
Jacob	Maxwell	Sims--7	

Nays--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Westfall
Wiggins	Yeckel--26		

Absent--Senators--Curls--1

Absent with leave--Senators--None

Senator Kinder moved that **SS** for **SB 275** be adopted, which motion prevailed.

On motion of Senator Kinder, **SS** for **SB 275** was declared perfected and ordered printed.

Senator Clay assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda L. Behlmann, Democrat, 4850 North Highway 67, Florissant, St. Louis County, Missouri 63034, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2002, and until her successor is duly appointed and qualified; vice, Robert Baer, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ian M. Davis, 510 N.E. 2nd Street, Blue Springs, Jackson County, Missouri 65014, as a member of the State Board of Nursing, for a term ending June 1, 2000, and until his successor is duly appointed and qualified; vice, Betty Butler, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Larry L. Deskins, Republican, 4501 Lindell Boulevard, #7B, St. Louis City, Missouri 63108, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 1998, and until his successor is duly appointed and qualified; vice, Charles Farris, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Debra A. Dorshorst, B.S.R.T, 2018 S. Oak Grove, Springfield, Greene County, Missouri 65804, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2000, and until her successor is duly appointed and qualified; vice, RSMo 334.830.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Diane M. Garber, 3131 Williamsburg Way, Jefferson City, Cole County, Missouri 65109, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 1999, and until her successor is duly appointed and qualified; vice, Sheliah Watson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas J. Hancock, D.O., F.A.A.F.P., Republican, 216 Burke Place, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 1998, and until his successor is duly appointed and qualified; vice, RSMo 334.830.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mark D. Jackson, Democrat, 1511 Killian Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 1998, and until his successor is duly appointed and qualified; vice, RSMo 334.830.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rosa L. Miller, Republican, 611 East 64th Terrace, Kansas City, Jackson County, Missouri 64131, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2000, and until her successor is duly appointed and qualified; vice, RSMo 334.830.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Katherine A. Tyler, R.R.T., Democrat, 2110 Owing, Oak Grove, Jackson County, Missouri 64075, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 1999, and until her successor is duly appointed and qualified; vice, RSMo 334.830.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert P. Neumann, 5917 S. State Highway ZZ, Post Office Box 516, Republic, Greene County, Missouri 65738 as a member of the Missouri Historical Records Advisory Board, for a term ending November 1, 1997, and until his successor is duly appointed and qualified; vice, Dr. Dominic Capeci, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Scott W. Wren, Republican, 610 Odus, Jackson, Cape Girardeau County, Missouri 63755, as a member of the Missouri Board for Respiratory

Care, for a term ending April 3, 1999, and until his successor is duly appointed and qualified; vice, RSMo 334.830.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 18**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 15 of article IV of the Constitution of Missouri, relating to the state treasurer and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 528**, entitled:

An Act to repeal sections 265.600, 265.605, 265.610, 265.615, 265.620, 265.625, 265.630, 265.635, 265.640, 413.225 and 413.227, RSMo 1994, relating to regulation of weights and measures, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 600** and **388**, entitled:

An Act to repeal sections 191.331 and 376.995, RSMo Supp. 1996, relating to limited mandate health insurance act, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 339**, entitled:

An Act to amend chapters 491 and 540, RSMo, relating to witnesses by adding thereto two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 193**, entitled:

An Act to repeal sections 375.786 and 379.080, RSMo 1994, relating to insurance company investments, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 495**, entitled:

An Act to repeal sections 105.450, 105.461, 105.464, 105.470, 105.472, 105.491, 105.492, 105.498, 105.957, 105.959, 105.961, 105.963, 105.969, 115.646, 130.016, 130.021, 130.031, 130.032, 130.036, 130.038, 130.051, 130.053, 130.054 and 130.056, RSMo 1994, and sections 105.483, 105.487, 105.955, 130.011, 130.034, 130.037, 130.041, 130.046, 130.052, 130.057, 130.100, 130.130 and 130.140, RSMo Supp. 1996, relating to public officers, and to enact in lieu thereof forty new sections relating to campaign, ethics and lobbying reform.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SJR 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Judiciary, to which were referred **SB 386** and **SB 372**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 284**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 404**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 356**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 123**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 566**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 566, Page 1, In the Title, Line 2, by deleting the following: "and an effective date"; and

Further amend said bill, Page 2, Section A, Line 1, by deleting all of said section.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 244**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 207**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 150**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 327**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 327, Page 1, Section 252.245, Line 6, by striking the word "may" and inserting in lieu thereof the following: "**shall**"; and

Further amend said bill and section, page 2, line 17, by striking the following: "or persons" and inserting in lieu thereof the following: "**performing assigned duties within the areas of hunter education, shooting ranges, nature centers and firefighting, which shall include rural firefighters, who are functioning within the scope and purpose of the designated authority and**"; and

Further amend said bill, page and section, line 23, by striking the following: "and other persons".

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 652**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 520**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 520, Page 1, In the Title, Line 2, by striking the word "section" and inserting in lieu thereof the following: "sections 8.177 and"; and

Further amend said bill, Page 1, In the Title, Line 3, by striking the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Line 1, by striking all of said line and inserting in lieu thereof the following:

"Section A. Sections 8.177 and 37.005, RSMo Supp. 1996, are repealed and two new sections enacted"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the word "section" and inserting in lieu thereof the following: "sections 8.177 and"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after all of said line the following:

"8.177. 1. The director of the department of public safety shall employ Missouri capitol police officers for public safety at the seat of state government. Each Missouri capitol police officer, upon appointment, shall take and subscribe an oath of office to support the constitution and laws of the United States and the state of Missouri and shall receive a certificate of appointment, a copy of which shall be filed with the secretary of state, granting such police officers all the same powers of arrest held by other police officers to maintain order and preserve the peace in all state-owned **or leased** buildings, and the grounds thereof, at the seat of government and such buildings and grounds within the county which contains the seat of government.

2. The director of the department of public safety shall appoint a sufficient number of Missouri capitol police officers, with available appropriations, as appropriated specifically for the purpose designated in this subsection, so that the capitol grounds may be patrolled at all times, and that traffic and parking upon the capitol grounds and the grounds of other state buildings **owned or leased** within the capital city and the county which contains the seat of government may be properly controlled. Missouri capitol police officers may make arrests for the violation of parking and traffic regulations promulgated by the office of administration."

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 318**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 6**; **SCS** for **SB 79**; **SS** for **SB 22**; **SS** for **SCS** for **SB 168**; **SB 264**; and **SCS** for **SB 380**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem McKenna referred **SS** for **SCS** for **SB 168**; **SB 264** and **SCS** for **SB 380** to the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 630--Elections, Pensions and Veterans' Affairs.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 573, regarding Doug Pimm, which was adopted.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

April 3, 1997

Senator Ronnie DePasco

Missouri Senate

Capitol Building Room 321

Jefferson City, MO 65101

Dear Ronnie:

Please be advised that I am appointing you a member of the Joint Committee on Gaming and Wagering Section 313.001 RSMo.

If I can be of assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

April 3, 1997

Senator Ken Jacob

Missouri Senate

Capitol Building Room 420-A

Jefferson City, MO 65101

Dear Ken:

Please be advised that I am appointing you a member of the Joint Committee on Gaming and Wagering Section 313.001 RSMo.

If I can be of assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

April 3, 1997

Senator John Scott

Missouri Senate

Capitol Building Room 416

Jefferson City, MO 65101

Dear John:

Please be advised that I am appointing you a member of the Joint Committee on Gaming and Wagering Section 313.001 RSMo.

If I can be of assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

April 3, 1997

Senator David Klarich

Missouri Senate

Capitol Building Room 427

Jefferson City, MO 65101

Dear David:

Please be advised that I am appointing you a member of the Joint Committee on Gaming and Wagering Section 313.001 RSMo.

If I can be of assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

April 3, 1997

Senator Bill Kenney

Missouri Senate

Capitol Building Room 328

Jefferson City, MO 65101

Dear Bill:

Please be advised that I am appointing you a member of the Joint Committee on Gaming and Wagering Section 313.001 RSMo.

If I can be of assistance please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Senator Howard submitted the following:

April 7, 1997

Ms. Terry Spieler

Secretary of the Senate

State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

I respectfully request that House Bill 207 be removed from consent. The bill contains provisions that eliminate the Missouri Motor Vehicle Commission. Motor vehicle dealers and legislators worked hard to create a regulatory body that would allow dealers to be regulated by people who understand the industry best.

The responsibilities for the commission were previously under the direct control of the Department of Revenue. After dealers had experienced a wide-range of hassles and delays from revenue for years, they chose to create a commission. This bill would destroy a good, useful government entity.

House Bill 207 is clearly too controversial to remain a consent bill. Thank you for your consideration in this important matter.

Very truly yours,

/s/ Jerry

Jerry T. Howard

State Senator

25th District

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Ted and Bert Stoner, Spirit River, Alberta, Canada; George and Mary Stoner, Vancouver Island, Canada; Lynn Owens, Cold Lake, Alberta, Canada; and John and Lucille Wright, Chariton County.

Senator Kenney introduced to the Senate, Mark, Matthew, Timothy, Emily and John Shelp, Independence.

Senator Rohrbach introduced to the Senate, fourth grade Cub Scouts from West School, Jefferson City.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-EIGHTH DAY--TUESDAY, APRIL 8, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we know that just making more right decisions than wrong, doing more good things than bad isn't enough. We want to make every decision and action right in this body because it affects so many people. We need Your help for wisdom and guidance. Make what we do right for the good of all. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 248** be taken up for perfection, which motion prevailed.

Senator Schneider offered **SS** for **SB 248**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 248

An Act to repeal sections 217.730, 302.225, 374.715, 429.470, 429.490, 476.010, 476.050, 476.055, 477.010, 509.030, 511.500, 513.045, 543.335, 545.040, 545.050, 545.060, 545.070, 545.240, 545.270, RSMo 1994, sections 217.305, 302.020, 302.341, 477.600, 478.466, 488.015, 488.020, 512.050, 559.027, 559.029 and 577.051, RSMo Supp. 1996, sections 57.290, 67.133, 429.090, 429.120, 452.345, 476.053, 479.260 and 511.510, as both versions of such sections appear in RSMo Supp. 1996, and section 595.045, RSMo Supp. 1996, contained in house committee substitute for senate bill 769, truly agreed to and finally passed by the second regular session of the eighty-eighth general assembly, relating to courts, and to enact in lieu thereof forty-four new sections relating to the same subject, with an emergency clause and an expiration date for a certain section.

Senator Schneider moved that **SS** for **SB 248** be adopted.

Senator Johnson assumed the Chair.

Senator Clay offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 248, Pages 16-17, Section 374.715, by striking all of said section; and

Further amend said bill, Pages 17-18, Section 374.763, by striking all of said section and inserting in lieu thereof the following:

"[374.700. As used in sections 374.700 to 374.775, the following terms shall mean:

(1) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed under the provisions of sections 374.700 to 374.775, is employed by and is working under the authority of a licensed general bail bond agent;

(2) "Department", the department of insurance of the state of Missouri;

(3) "Director", the director of the department of insurance;

(4) "General bail bond agent", a surety agent or a property bail bondsman, as defined in sections 374.700 to 374.775, who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his working time to the bail bond business in this state;

(5) "Property bail bondsman", a person who pledges United States currency, United States postal money orders or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;

(6) "Surety bail bond agent", any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor.]

[374.705. 1. The department shall administer and enforce the provisions of sections 374.700 to 374.775, prescribe the duties of its officers and employees with respect to sections 374.700 to 374.775, and promulgate, pursuant to section 374.045 and chapter 536, RSMo, such rules and regulations within the scope and purview of the provisions of sections 374.700 to 374.775 as the director considers necessary and proper for the effective administration and interpretation of the provisions of sections 374.700 to 374.775.

2. The director shall set the amount of all fees authorized and required by the provisions of sections 374.700 to 374.775 by rules and regulations promulgated pursuant to chapter 536, RSMo. All such fees shall be set at a level designed to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 374.700 to 374.775.]

[374.710. 1. Except as otherwise provided in sections 374.700 to 374.775, no person or other entity shall practice as a bail bond agent or general bail bond agent, as defined in section 374.700, in Missouri unless and until the department has issued to him a license, to be renewed each year as hereinafter provided, to practice as a bail bond agent or general bail bond agent.

2. Nothing in sections 374.700 to 374.775 shall be construed to prohibit any person from posting or otherwise providing a bail bond in connection with any legal proceeding, provided that such person receives no fee, remuneration or consideration therefor.]

[374.715. Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is at least twenty-one years of age, and is of good moral character. Each application shall be accompanied by the examination and application fee set by the department. In addition, each applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the department that the applicant, or, if the applicant is a corporation or partnership, that each officer or partner thereof has completed at least two years as a bail bond agent, as defined in sections 374.700 to 374.775, and that the applicant possesses liquid assets of at least ten thousand dollars, along with a duly executed assignment of ten thousand dollars to the state of Missouri, which assignment shall become effective upon the applicant's violating any provision of sections 374.700 to 374.775. The assignment required by this section shall be in the form, and executed in the manner, prescribed by the department.]

[374.720. 1. Each applicant for licensure as a general bail bond agent, after complying with this section and the provisions of section 374.715, shall be issued a license by the department unless grounds exist under section 374.755 for denial of a license.

2. Each applicant for examination and licensure as a bail bond agent, after complying with the provisions of section 374.715, shall appear for examination at the time and place specified by the department. Such examination shall be as prescribed by the director as provided under section 375.018, RSMo, and shall be designed to test the applicant's knowledge and expertise in the area of surety bonds in general and the practice of a bail bond agent, as defined in sections 374.700 to 374.775, in particular. The applicant shall be notified of the result of the examination within twenty working days of the examination. Any applicant who fails such examination may, upon reapplication and payment of the reexamination fee set by the department, retake the examination.]

[374.725. Any person who, on September 28, 1983, is acting in any capacity which would be classified as practicing as a bail bond agent or general bail bond agent under the provisions of sections 374.700 to 374.775 may continue to act in such capacity without being licensed under sections 374.700 to 374.775 for a period of twelve months from September 28, 1983.]

[374.730. All licenses issued to bail bond agents and general bail bond agents under the provisions of sections 374.700 to 374.775 shall be renewed annually, which renewal shall be in the form and manner prescribed by the department and shall be accompanied by the renewal fee set by the department.]

[374.735. The department may, in its discretion, grant a license without requiring an examination to a bail bond agent who has been licensed in another state immediately preceding his applying to the department, if the department is satisfied by proof adduced by the applicant that his qualifications are at least equivalent to the requirements for initial licensure as a bail bond agent in Missouri under the provisions of sections 374.700 to 374.775.]

[374.740. Any person applying to be licensed as a nonresident bail bond agent or nonresident general bail bond agent who has been licensed in another state shall devote fifty percent of his working time in the state of Missouri and shall file proof with the director of insurance as to his compliance, and accompany his application with the fee set by the

board and, if applying for a nonresident general bail bond agent's license, with a duly executed assignment of twenty-five thousand dollars to the state of Missouri, which assignment shall become effective upon the applicant's violating any provision of sections 374.700 to 374.775. Failure to comply with this section will result in revocation of the nonresidence license. The assignment required by this section shall be in the form and executed in the manner prescribed by the department. All licenses issued under this section shall be subject to the same renewal requirements set for other licenses issued under sections 374.700 to 374.775.]

[374.750. The department may refuse to issue or renew any license required pursuant to sections 374.700 to 374.775 for any one or any combination of causes stated in section 374.755. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.]

[374.755. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 374.700 to 374.775 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of the profession licensed under sections 374.700 to 374.775;

(2) Having entered a plea of guilty or having been found guilty of a felony;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to sections 374.700 to 374.775 or in obtaining permission to take any examination given or required pursuant to sections 374.700 to 374.775;

(4) Obtaining or attempting to obtain any compensation as a member of the profession licensed by sections 374.700 to 374.775 by means of fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession licensed or regulated by sections 374.700 to 374.775;

(6) Violation of, or assisting or enabling any other person to violate, any provision of sections 374.700 to 374.775 or of any lawful rule or regulation promulgated pursuant to sections 374.700 to 374.775;

(7) Transferring a license or permitting another person to use a license of the licensee;

(8) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 374.700 to 374.775 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice the profession licensed or regulated by sections 374.700 to 374.775 who is not currently licensed and eligible to practice under sections 374.700 to 374.775;

(11) Paying a fee or rebate, or giving or promising anything of value, to a jailer, policeman, peace officer, judge or any other person who has the power to arrest or to hold another person in custody, or to any public official or employee, in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond or estreatment thereof;

(12) Paying a fee or rebate, or giving anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(13) Paying a fee or rebate, or giving or promising anything of value, to the principal or anyone in his behalf;

(14) Participating in the capacity of an attorney at a trial or hearing of one on whose bond he is surety.

2. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may do any or all of the following:

(1) Censure the person involved;

(2) Place the person involved on probation on such terms and conditions as the department deems appropriate for a period not to exceed ten years;

(3) Suspend, for a period not to exceed three years, the license of the person involved;

(4) Revoke the license of the person involved.]

[374.760. Each general bail bond agent shall file, between the first and tenth day of each month, sworn affidavits with the department stating that there are no unsatisfied judgments against him. Such affidavits shall be in the form and manner prescribed by the department.]

[374.765. 1. Any person who practices as a bail bond agent or general bail bond agent, or who purports to be a bail bond agent, or general bail bond agent, as defined in section 374.700, without being duly licensed under sections 374.700 to 374.775 is:

(1) For the first such offense, guilty of an infraction;

(2) For the second and each subsequent offense, guilty of a class A misdemeanor.

2. Any licensed bail bond agent who knowingly violates the provisions of one or more of subdivisions (3), (4), (10), (11), (12), (13), (14), or (15) of subsection 1 of section 374.755 shall be guilty of a class B misdemeanor.]

[374.770. 1. If there is a breach of the contract of the bond, the court in which the case is pending shall declare a bond forfeiture, unless the surety upon such bond informs the court that the defendant is incarcerated somewhere within the United States. If forfeiture is not ordered because the defendant is incarcerated somewhere within the United States, the surety is responsible for the return of the defendant. If bond forfeiture is ordered and the surety can subsequently prove the defendant is incarcerated somewhere within the United States, then the bond forfeiture shall be set aside and the surety be responsible for the return of the defendant. When the surety notifies the court of the whereabouts of the defendant, a hold order shall be placed by the court having jurisdiction on the defendant in the state in which the defendant is being held.

2. In all instances in which a bail bond agent or general bail bond agent duly licensed by sections 374.700 to 374.775 has given his bond for bail for any defendant who has absented himself in violation of the condition of such bond, the bail bond agent or general bail bond agent shall have the first opportunity to return such defendant to the proper court. If he is unable to return such defendant, the state of Missouri shall return such defendant to the proper court for prosecution, and all costs incurred by the state in so returning a defendant may be levied against the bail bond agent or general bail bond agent in question.]

[374.775. When issuing bonds of one thousand dollars or less, licensed bail bond agents or general bail bond agents may charge a minimum premium of fifty dollars. In connection with such bonds no bail bond agent, general bail bond agent, or corporation shall charge or receive any additional fee for investigations or services rendered in connection with the execution of the bond.]" and

Further amend said bill, Page 56, Section 595.045, Line 5 of said page, by inserting immediately after said line the following:

"Section 1. Sections 1 to 31 of this act may be known and shall be cited as the "Professional Bail Bondsman

Licensing Act".

Section 2. For the purposes of sections 1 to 31 of this act, the following terms mean:

- (1) "Admission to bail", an order from a competent court that the defendant be discharged from actual custody on bail and fixing the amount of the bail;**
- (2) "Bail bond or appearance bond", a bond for a specified monetary amount which is executed by the defendant and a qualified licensee pursuant to sections 1 to 18 of this act and which is issued to a court or authorized officer as security for the subsequent court appearance of the defendant upon the defendant's release from actual custody pending the appearance;**
- (3) "Board", professional bail bondsman licensing board created in section 3 of this act;**
- (4) "Insurer", any surety company which is qualified to transact surety business in Missouri;**
- (5) "Licensee", a professional bail bond company or a professional bail bondsman;**
- (6) "Professional bail bondsman", an individual licensed as a professional bail bondsman by the board, who is a resident of this state and who acts through the authority of a professional bail bond company in pledging a bail bond as security in a judicial proceeding;**
- (7) "Professional bail bond company", an individual who is a resident of this state, a Missouri firm, partnership or corporation, who is licensed as a professional bail bond company by the board that pledges a bail bond in connection with a judicial proceeding and receives or is promised therefor money or other things of value;**
- (8) "Surety", the person who becomes the surety for the appearance of the defendant in court;**
- (9) "Surety recovery agent", a person not performing the duties of a sworn peace officer who tracks down and captures a fugitive who has violated a bail bond agreement;**
- (10) "Taking of bail" or "take bail", the acceptance by a person authorized to take bail of the undertaking of a sufficient surety for the appearance of the defendant according to the terms of the undertaking or that the surety will pay to the court the sum specified. Taking of bail or take bail does not include the fixing of the amount of bail and no person other than a competent court shall fix the amount of bail.**

Section 3. 1. There is hereby created within the division of professional registration in the department of economic development the "Professional Bail Bondsman Licensing Board". The board shall be composed of seven members to be appointed by the governor with the advice and consent of the senate. The members shall be appointed for terms of four years; except that the members first appointed, one shall be appointed for a term of one year, two for a term of two years, two for a term of three years, and two for a term of four years. Vacancies on the board shall be filled by appointment for the unexpired portion of the term.

2. The governor shall appoint members, as follows:

- (1) Two licensed bail bond company owners;**
- (2) One chief of police from a Missouri municipality;**
- (3) One county sheriff;**
- (4) One county prosecuting attorney;**
- (5) One retired circuit judge or retired associate circuit judge; and**

(6) One circuit clerk.

3. Any person who is appointed to fill a position on the board as provided in subdivisions (1) to (5) of subsection 2 of this section and who subsequently does not meet such qualification shall vacate such position and the governor shall appoint a successor to fill the unexpired term of such person.

4. The members of the board shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties on the board.

5. The board shall have authority to appoint an executive director and such other employees as shall be necessary to perform the board's duties.

6. The board shall have authority to promulgate rules and regulations for the purpose of administering the professional bail bondsman licensing act. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Section 4. 1. No person shall engage in the bail bond business without being licensed as provided in sections 1 to 18 of this act.

2. No court, law enforcement officer, state, county or municipal employee, who is either elected or appointed, shall be licensed as a professional bail bond company or a professional bail bondsman.

3. A professional bail bondsman shall not execute or issue an appearance bond in this state without being an agent of a professional bail bond company and without attaching to the appearance bond an executed and numbered power of attorney referencing the professional bail bond company. An agent licensed as a professional bail bondsman shall hold such bondsman license for at least two years prior to owning or being an officer of a licensed professional bail bond company.

4. An insurer shall not execute an undertaking of bail without being licensed as a professional bail bond company.

5. A professional bail bond company shall not engage in the bail bond business:

(1) Without having been licensed as a professional bail bond company pursuant to sections 1 to 18 of this act;

(2) Except through an agent licensed as a professional bail bondsman pursuant to sections 1 to 18 of this act.

6. A professional bail bond company shall not permit any unlicensed person to solicit or engage in the bail bond business in the company's behalf, except for individuals who are employed solely for the performance of clerical, stenographic or other administrative duties which do not require a license pursuant to sections 1 to 18 of this act.

7. Any person who violates a provision of this section is guilty of a class D felony.

8. Nothing in this section shall be construed to limit the authority of any court to set bail including allowance of bond by paying to the court a percentage thereof.

Section 5. 1. Every applicant for professional bail bondsman license or a professional bail bond company license shall apply on forms furnished by the board.

2. The application of a professional bail bondsman shall be accompanied by a duly executed general power of attorney issued by the professional bail bond company for whom the professional bail bondsman will be acting. Upon issuance of the license, a professional bail bondsman shall not issue an appearance bond exceeding the monetary amount for each recognizance which is specified in and authorized by the general power of attorney

filed with the board until the board receives a duly executed general power of attorney from the professional bail bond company evidencing or authorizing increased monetary limits or amounts for the recognizance.

3. An application for a professional bail bond company license shall be accompanied by proof that the applicant is a Missouri partnership, firm or corporation, or an individual who is a resident of the state. A corporation shall file proof that its most recent annual franchise tax has been paid to the secretary of state as provided in chapter 147, RSMo. The applicant shall also show proof of a one million dollar bond or a one million dollar insurance policy to be used to cover damages to persons or property caused by a licensed surety recovery agent or professional bail bond company or both.

4. At the time of application for every professional bail bond company license there shall be paid to the board for the company license a fee of one thousand dollars. Each applicant for a professional bail bondsman license shall pay the board a license fee of one hundred dollars at the time of application, except that, if the applicant is also an applicant, as an individual, for a professional bail bond company license, then the applicant shall not be required to pay a license fee for licensure as a professional bail bondsman but shall comply with all other requirements for licensure as a professional bail bondsman.

Section 6. Each applicant for a professional bail bondsman license shall file with the board:

(1) Written statements from at least three persons who know of the applicant's character;

(2) The applicant's fingerprint impressions submitted by a local law enforcement agency to the Missouri state highway patrol; and

(3) Such proof as the board may require that the applicant is competent, trustworthy, financially responsible, of good personal and business reputation and has not been convicted of a felony or any offense involving moral turpitude.

Section 7. No professional bail bondsman or professional bail bond company, court or law enforcement officer shall:

(1) Pay a fee or rebate or give or promise anything of value in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond to:

(a) A jailer, policeman, peace officer, committing circuit judge or any other person who has power to arrest or to hold in custody any person; or

(b) Any public official or public employee;

(2) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(3) Pay a fee or rebate or give promise of anything of value to the principal or anyone in the principal's behalf;

(4) Participate in the capacity of an attorney:

(a) At a trial or hearing of a defendant on whose bond the person is a surety;

(b) To attempt to obtain settlement or dismissal of a case;

(c) To give or attempt to give any legal advice to a defendant on whose bond the person is a surety; or

(5) Accept anything of value from a principal except the premium; provided that, the licensee shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond. The collateral security or other indemnity required by the licensee shall be reasonable in relation to the amount of the bond.

Section 8. 1. In order to determine the competence of each applicant for a professional bail bondsman license, the board shall require the applicants to submit to, and to pass to the satisfaction of the board, a written examination to be administered by the board and appropriate to the transaction of the bail bond business. Such examination shall be held in a location or locations at such times as the board shall provide by administrative rule. Each applicant shall pay a nonrefundable examination fee of twenty-five dollars to the board at the time of application.

2. If the application is approved and if the examination fee has been paid, an examination permit shall be issued to the applicant stating the time and place of the examination. If the applicant appears for the examination but fails to pass the examination, the applicant may apply for reexamination. The nonrefundable reexamination fee shall be fifteen dollars. If an applicant fails to pass the examination on two attempts, the board shall require a waiting period of one hundred twenty days before issuing a permit for reexamination.

Section 9. 1. An applicant for a professional bail bond company license shall file with the board an irrevocable letter of credit from a Missouri chartered bank or federally chartered bank in Missouri or a certificate of deposit. The letter of credit or certificate of deposit shall be approved by the board as to form and sufficiency and shall be conditioned upon faithful performance of the duties of the license.

2. The minimum amount of the letter of credit or certificate of deposit for any professional bail bond company initially licensed after August 1, 1997, shall be one hundred fifty thousand dollars.

3. The minimum amount of the letter of credit or certificate of deposit for any professional bail bond company initially licensed on or before August 1, 1997, shall be as follows:

(1) On or before July 31, 1998, the amount shall be a total of thirty-seven thousand five hundred dollars which shall consist of the previous minimum amount of ten thousand dollars and an additional twenty-seven thousand five hundred dollars;

(2) August 1, 1998, to July 31, 1999, the amount shall be a total of seventy-five thousand dollars which shall consist of the previous minimum amount of thirty-seven thousand five hundred dollars and an additional thirty-seven thousand five hundred dollars;

(3) August 1, 1999, to July 31, 2000, the amount shall be a total of one hundred twelve thousand five hundred dollars which shall consist of the previous minimum amount of seventy-five thousand dollars and an additional thirty-seven thousand five hundred dollars;

(4) On or after August 1, 2000, the amount shall be a total of one hundred fifty thousand dollars which shall consist of the previous minimum amount of one hundred twelve thousand five hundred dollars and an additional thirty-seven thousand five hundred dollars.

4. No letter of credit or certificate of deposit shall be subject to termination or cancellation by either party in less than sixty days after the giving of written notice thereof to the other parties and to the board and all liability of the party is discharged.

5. No termination or cancellation shall affect the liability of the surety or sureties on a bond incurred prior to the effective date of termination or cancellation.

6. If during the term of the letter of credit or certificate of deposit any licensee shall be guilty of misconduct or malfeasance in such licensee's dealing with any court or officer of the court or with any person or company in connection with any deposit or bail bond, the board may maintain a civil action before the circuit court of Cole County on the letter of credit or certificate of deposit or may maintain an administrative action on any certificate of deposit. The board may recover for the use and benefit of the person or persons aggrieved. The provisions of this subsection shall be in addition to all other remedies available to the aggrieved person and nothing in this subsection shall be construed as limiting the liability of a professional bail bond company or a professional bail

bondsman.

7. The board may suspend the license of a licensee who is guilty of misconduct or malfeasance as provided in subsection 6 of this section until such time as the board recovers the full amount allowable or recovers for the benefit of the person or persons aggrieved, the amount of loss or injury sustained pursuant to subsection 6 of this section, and until such time as the licensee has filed with the board an additional letter of credit or certificate of deposit in the required amount. The board shall promptly notify such licensee as provided in subsection 9 of this section.

8. When a final civil judgment for court-ordered bond forfeitures is entered as to a bail bond issued by the licensee by a court of competent jurisdiction in this state and the judgment is not paid within thirty days thereafter, the court may send a copy of such judgment, duly certified by the clerk of such court, to the board and after having given proof to the board of service of process on the licensee in accordance with present laws governing service of process on defendants in other civil actions. The board may promptly make a claim on the surety for payment of the allowable amount of such licensee's letters of credit on behalf of such court or shall withdraw the amount of such licensee's certificate or certificates of deposit and shall transmit to the clerk of such court so much of such securities as are allowable.

9. Upon receipt of a judgment as provided in subsection 8 of this section and receipt of proof of notice of service on the licensee and after having sent notice by registered or certified mail to the licensee at the address on the application or as amended, of the judgment to be paid the board may, twenty days after the date of such notice of the judgment to be paid, suspend the license of such licensee until such time as the judgment is paid or otherwise satisfied and until such time as the licensee has filed with the board another letter of credit or certificate of deposit in the required amount. The board shall promptly notify the licensee in writing by certified mail of the claims upon the licensee's letter of credit or certificates of deposit and shall also include a copy of the board's order of suspension.

10. If the allowable amount of the letter of credit or certificate of deposit filed with the board is not sufficient to pay or otherwise satisfy the judgments as to bail bonds issued by the professional bail bond company in subsection 1 of this section, the board may promptly make a claim against the professional bail bond company on behalf of such court.

11. If a professional bail bond company fails to file with the board the additional letter of credit or certificate of deposit to maintain such license within ninety days from the effective date of the board's order of suspension as provided in subsection 7, 9 or 10 of this section, the board shall cancel the license of such licensee and shall promptly notify such licensee as provided in subsection 9 of this section.

12. Upon the nonrenewal, cancellation or revocation of any license provided for in sections 1 to 18 of this act, the board shall release to the licensee the qualifying bond or bonds or certificate or certificates of deposit filed with the board only upon the receipt of written documentation from all the courts in all the counties in which the licensee engaged in business that all bonds issued by such licensee have been exonerated and that no unpaid bond forfeitures remain outstanding, and that all civil judgments as to forfeitures on bonds issued by the licensee have been paid in full.

Section 10. 1. Before issuance of a license provided for in sections 1 to 18 of this act, every applicant for a license shall provide evidence of residency to the board, shall satisfy the board of trustworthiness and competence, as applicable, and shall otherwise comply with the conditions and qualifications as provided in sections 1 to 18 of this act.

2. The board may refuse to issue a license to an applicant who fails to comply with the provisions of sections 1 to 19 of this act or any rule or regulation adopted by the board pursuant to sections 1 to 19 of this act. The board may refuse to issue a license to any applicant that has made a material misrepresentation in the application for such license.

3. Upon the approval and issuance of any license provided for in sections 1 to 18 of this act, the board shall

give written notice of the issuance of such license to the circuit clerk of each county in the state. Upon revocation or suspension of a license, the board shall give written notice to that effect to the circuit clerk in each county in the state. The circuit clerk in each county shall maintain a complete record of registrations, revocations and suspensions. The circuit clerk shall notify the surety holder in the event of a continuance. The board shall furnish the circuit clerks of all counties with a list of renewal licenses.

Section 11. 1. Every license issued pursuant to sections 1 to 18 of this act shall be for a term expiring on December thirty-first following the date of issuance and such license may be renewed for the ensuing calendar year upon the filing of a renewal application and payment of appropriate fees.

2. The board may refuse to renew a license for any cause for which issuance of the original license could have been refused or for the licensee's violation of any of the provisions of sections 1 to 18 of this act or the rules and regulations promulgated pursuant to sections 1 to 18 of this act.

3. Every licensee shall be required to file a renewal application, in the form and subject matter as prescribed by the board.

4. At the time of application for renewal of a professional bail bond company license, there shall be paid to the board for the company's renewal license a fee of one thousand dollars. Each professional bail bondsman shall pay a fee of one hundred dollars for renewal of the license; except that, if the applicant for renewal also holds a professional bail bond company license, then the applicant shall not be required to pay a renewal fee for a professional bail bondsman license.

Section 12. Any person may file a complaint stating facts constituting an alleged violation of sections 1 to 18 of this act. The complaint shall be signed under penalty of perjury. The board shall investigate any alleged violation of sections 1 to 18 of this act. Any person aggrieved by the findings of the board may appeal as provided in chapter 536, RSMo. All hearings shall be conducted and judicial review of the board's decision may be had in the manner provided by chapter 536, RSMo.

Section 13. 1. The board may suspend for up to twelve months or revoke or refuse to continue any license issued pursuant to the provisions of sections 1 to 18 of this act if, after notice and hearing, the board determines that the licensee or any member of a company which is so licensed has:

(1) Violated any provision of, or any obligation imposed by, sections 1 to 18 of this act or any lawful rule, regulation or order of the board or has been convicted of a felony or any offense involving moral turpitude;

(2) Made a material misstatement in the application for license, in the application for renewal license, or in the financial statement which accompanies the application or renewal application for license as a professional bail bond company;

(3) Committed any fraudulent or dishonest acts or practices or demonstrated incompetency or untrustworthiness to act as a licensee;

(4) Required as a condition of the licensee executing a bail bond that the principal agree to engage the services of a specified attorney;

(5) Signed, executed or issued bonds with endorsements in blank or prepared or issued fraudulent or forged bonds or power of attorney;

(6) Failed in the applicable regular course of business to account for and to pay premiums held by the licensee in a fiduciary capacity to the professional bail bond company or other person entitled thereto; or

(7) Failed to comply with the provisions of the laws of this state, or rule, regulation or order of the board for which issuance of the license could have been refused had it then existed and been known to the board.

2. The act or conduct of any professional bail bondsman who acts within the scope of the authority delegated to the professional bail bondsman shall also be deemed the act or conduct of the professional bail bond company for which the professional bail bondsman is acting as agent.

3. If the board finds that one or more grounds exist for the suspension or revocation of any license, the board may in its discretion request that formal charges be filed against the violator and that penalties as provided in sections 4 and 9 of this act be imposed.

4. If the board finds that one or more grounds exist for the suspension or revocation of a license and that the license has been suspended within the previous twenty-four months, then the board shall revoke the license. The board may not again issue a license pursuant to sections 1 to 18 of this act to any person or entity whose license has been revoked.

5. If the board determines that the public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in the board's order, a summary suspension of a license issued pursuant to sections 1 to 18 of this act may be ordered pending an administrative hearing before the board, which shall be promptly instituted.

6. If a professional bail bond company license is suspended or revoked, no member of such company, or officer or director of such corporation shall be licensed or be designated in any license to exercise the powers thereof during the period of such suspension or revocation, unless the board determines upon substantial evidence that such member, officer or director was not personally at fault and did not acquiesce in the matter on account of which the license was suspended or revoked.

Section 14. 1. Any person who holds a valid license pursuant to sections 374.700 to 374.775, RSMo, on the effective date of this section may continue to engage in the bail bond business without licensure pursuant to sections 1 to 18 of this act for a period of one hundred twenty days after the effective date of this section without being guilty of a violation of section 4 of this act.

2. Any individual who holds a valid license pursuant to sections 374.700 to 374.775, RSMo, on the effective date of this section and who applies for a license pursuant to sections 1 to 18 of this act within ninety days after the effective date of this section shall not be required to take an examination as provided in section 8 of this act.

3. Any person who holds a valid license pursuant to sections 374.700 to 374.775, RSMo, shall be entitled to a credit on the license fee required by section 5 of this act. The credit shall be a prorated proportion of the fee as provided in section 374.705, RSMo, based on the number of whole months remaining in the licensing period.

Section 15. 1. The board shall administer the provisions of sections 1 to 18 of this act and may promulgate any rules necessary and proper to enforce the purposes and provisions of sections 1 to 18 of this act.

2. No rule or portion of a rule promulgated pursuant to the authority of sections 1 to 18 of this act shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Section 16. 1. The minimum compensation for giving bond or depositing money or property as bail on any bond shall not be less than fifty dollars or five percent of the bond, whichever is greater.

2. If a bail bond or appearance bond, issued by a licensee pursuant to sections 19 to 31 of this act shall be replaced with another bail bond or appearance bond because of the licensee's violation of any provision of the laws of this state or any rule, regulation or order of the board, the licensee who violates any provision and causes a replacement to be required shall pay all the premium amount for the replacement bond, in an amount not to exceed the amount of the original bond, without any contribution from the respective defendant or principal.

Section 17. 1. When a licensee accepts collateral, the licensee shall give a prenumbered written receipt for such collateral and such receipt shall provide in detail a full account of the collateral received by the licensee.

2. The board shall prescribe by rule, the regulation of installment loans or credit agreements between professional bail bond companies and defendants.

Section 18. The board shall prescribe by rule the form for the written bail bonds which shall be distributed to professional bail bond companies. Each professional bail bond company shall file a bail bond report quarterly with the board. The report shall include the following information concerning each bail bond:

- (1) Current status of the bond whether pending disposition or exonerated;**
- (2) To whom the bond was written;**
- (3) The date the bail bond was written;**
- (4) The defendant and the charge against the defendant;**
- (5) The court in which the charges are pending;**
- (6) The amount of the bail bond.**

Section 19. A professional bail bond company as defined in section 3 of this act, a qualified surety as defined in section 3 of this act and an automobile club or association may issue a bond card to a person licensed as an operator which shall constitute evidence of the undertaking of bond by the company to assure the appearance in court for the offense charged of a person arrested or issued a traffic citation for a motor vehicle accident or traffic law violation up to and including the amount in dollars stated upon the face of the bond card.

Section 20. 1. A surety shall be:

- (1) A professional bail bondsman acting through a professional bail bond company; or**
 - (2) A resident of the state, owner of visible property, over and above that exempt from execution, to the value of the sum in which bail is required, and shall be worth that amount after the payment of the surety's debts and liabilities.**
- 2. The person or persons offered as surety shall be examined on oath in regard to their qualifications as surety, and any officer authorized to take bail is authorized to administer the oath, reduce the statements on oath to writing and require the person offered as surety to sign the statement. Other proof may also be taken in regard to the sufficiency of the surety. Prior to submission to the court, the statement shall also be signed by the sheriff or chief of police in the jurisdiction where the defendant is charged. Proof that the surety is a professional bail bondsman shall be deemed sufficient proof of the sufficiency of the surety and the surety shall be accepted by all courts in this state or by any officer of the court authorized to take bail.**
- 3. No person shall be taken as surety unless the court is satisfied, from proof and examination on oath, of the sufficiency of the person according to the requirements of subsection 2 of this section. Where more than one person is offered as surety, they shall be deemed sufficient if, in the aggregate, they possess the qualifications required.**

Section 21. 1. If the surety is not a professional bail bondsman, the officer of the court who takes the bail shall file a statement with the court describing the property of the surety upon which the sufficiency of the surety is based. The description of the property shall include the value of the property. The statement shall also be signed by the sheriff or chief of police in the jurisdiction where the defendant is charged.

2. The officer who takes bail shall give a written receipt for the collateral. The receipt shall give in detail a full account of the collateral received.

3. An officer who takes bail shall not be liable for any unsecured bond order by a judicial officer.

4. Any person, where a warrant was issued for failing to appear before a court on any violation of municipal housing codes, shall be required to post a fully secured bond.

Section 22. No attorney, solicitor or counselor at law or in equity, clerk, sheriff or other person concerned in the execution of any process shall become a personal guarantor or surety in any criminal proceeding unless such proceeding involves a family member within the second degree of consanguinity of such person.

Section 23. 1. The undertaking of the surety, other than by a professional bail bondsman, shall be in substantially the following form:

..... (name of defendant), being in custody, charged with the offense of (naming or briefly describing the charges), and being admitted to bail in the sum of dollars, (name of surety), of (surety's place of residence), hereby undertakes that the above named defendant shall appear in the court on the day of its term to answer to such charge, and shall at all times render himself/herself amenable to the orders and process of such court in the prosecution of such charge, and, if convicted, shall render himself/herself in execution thereof; or if he/she fails to perform either of these conditions, that I will pay to the appropriate court the sum of dollars.

2. If the surety is a professional bail bondsman, the undertaking of the surety shall be in a form prescribed by the regulations of the board.

Section 24. No prosecution, appeal, nonresident or attachment bond, nor any other statutory bonds of any party, plaintiff or defendant in any court, in this state, nor any recognizance in any criminal cause in this state, shall be declared null and void for the want of form, if the intent of the bond can be plainly deduced from the body of the bond or recognizance.

Section 25. 1. No bail bond or recognizance shall be deemed to be invalid by reason of any variance between its stipulations and the provisions of sections 1 to 31 of this act, or of the failure of the judge or officer to transmit or deliver the bail bond or recognizance at the times provided in sections 1 to 31 of this act, or of any other irregularity, so that it is made to appear that the defendant was legally in custody, charged with a public offense, and that the defendant was discharged therefrom by reason of the giving of the bond or recognizance, and that it can be ascertained from the bond or recognizance that the surety undertook that the defendant should appear before a judge for the trial thereof.

2. If no day is fixed for the appearance, or an impossible day, or a day in vacation, the bond or recognizance, if for the defendant's appearance before a judge, shall be considered as binding the defendant so to appear and surrender himself or herself into custody for an examination of the charge in twenty days from the time of the defendant's giving the bond or recognizance. The bond or recognizance, if for the defendant's appearance for trial in court, shall be considered as binding the defendant to appear and surrender himself or herself into custody on the first day of the next term of the court which shall commence more than ten days after the giving of the bond or recognizance.

Section 26. 1. At any time before the judgment of the bond, the surety may surrender the defendant, or the defendant may surrender himself or herself, to the jailer of the county in which the offense was committed; provided that, the surrender shall be accompanied by a certified copy of the bail bond to be delivered to the jailer, who shall detain the defendant in custody thereon as upon a commitment and give a written acknowledgment of the surrender. The surety shall upon such surrender be exonerated.

2. For the purpose of surrendering the defendant, the surety may obtain from the officer having in the officer's custody the bail bond or recognizance a certified copy thereof, and thereupon at any place in the state may arrest the defendant, or by the surety's written endorsement thereon, authorize any licensed surety recovery agent to do so.

3. The surety may arrest the defendant without the certified copy as provided in subsection 2 of this section.

4. No premium shall be retained by the surety upon return of the defendant unless good cause has been shown in the court in which the bond is pending. Good cause shall not be based solely on the failure of the defendant making payment pursuant to a credit or installment agreement with the surety.

Section 27. Whenever the defendant is admitted to bail in a specified sum, the defendant may deposit the sum with an officer authorized by law or rule of court to accept bail for the court in which the trial is directed to be had and take from such officer a certificate of the deposit, upon delivering such certificate to the officer who has the defendant in custody, the defendant shall be discharged. After bail has been taken, a deposit may, in like manner, be made of the sum mentioned in the bail bond, which shall exonerate the surety. Where money is deposited, the circuit or municipal clerk shall deposit the money in the court fund or the city treasury, whichever is appropriate, and pay the money according to the orders of the court having jurisdiction to try the offense, and the circuit clerk or city treasurer and their sureties shall be liable for the money on their official bond. Upon judgment being rendered against a defendant for fine and costs, the court rendering judgment may order any money deposited as provided in this section to be applied to the payment of such fine and costs. The provisions of this section shall not apply to a bail bond of a bail bondsman.

Section 28. 1. If the defendant fails to appear for trial or judgment, or at any other time when the defendant's presence in court may be lawfully required, or to surrender himself or herself in execution of the judgment, the court may direct such fact be entered on the record, and shall issue an order requiring the surety to appear, on a date set by the court not less than ninety days after the issuance of the order, to show cause why the sum specified in the bail bond or the money deposited in lieu of bail should not be forfeited. If at such date set by the court the surety deposits the full amount of the bond, then no judgment shall be entered for ninety days. The order shall also require the officer who was responsible for taking of bail to appear unless:

(1) The surety is a bail bondsman; or

(2) The officer accepted cash in the amount of bail.

2. The appropriate law enforcement agencies shall make every reasonable effort to apprehend the defendant. If the defendant is surrendered, arrested or good cause is shown for the defendant's failure to appear before judgment is entered against the surety, the court shall exonerate the surety's liability under the bail bond except for any actual or related costs for securing or transporting the defendant. If the defendant has not surrendered or been arrested prior to judgment against the surety, the bail bond or money deposited in lieu of bail may be forfeited.

3. If before judgment is entered against the surety, the defendant is located in another state, and the location is known, the professional bail bondsman shall have the first opportunity to return such defendant to the proper court. If the bondsman is unable to return such defendant the appropriate law enforcement officers shall cause the arrest of the defendant and the surety shall be liable for the reasonable costs in returning the defendant to the court in an amount not to exceed the face value of the bail bond.

Section 29. When money is deposited in lieu of bail and the court finds that such money is forfeited, the circuit court or the city treasurer, whichever is appropriate, shall transfer such sum deposited as bail pursuant to section 56.310, RSMo, and section 166.131, RSMo.

Section 30. A bail bond shall be discharged within three years of issuance of the bond to the court unless forfeiture occurs or the case is pending and the surety notified. Prior to expiration of the three-year period the court shall give notice of any such discharge or forfeiture to the bail bond company.

Section 31. 1. A fee equal to ten dollars per bond shall be paid by a defendant to the bail bond company in addition to the premium and the company shall collect and forward such fee quarterly to the director of revenue not later than the last day of the month following the end of the quarter in which the fee is paid. The fee shall be collected and reported upon such forms and pursuant to such rules and regulations as may be prescribed by the director and the director shall retain not more than three percent for cost of collection and shall deposit all other moneys in the "Professional Bail Bondsman Licensing Board Administration Fund" which is hereby created in

the state treasury. Money in the fund shall be available by appropriation to the board to pay its administrative costs arising from its duties pursuant to sections 1 to 31 of this act. All interest earned on money deposited in the fund shall be credited to such fund.

2. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

3. Any bail bond company violating the provisions of this section requiring the collection and forwarding of fees shall, upon conviction, be guilty of a class D felony.

4. Notwithstanding any other provisions of law to the contrary, the general assembly may appropriate up to one hundred thousand dollars for initial start-up costs from general revenue to be repaid to general revenue from the professional bail bondsman licensing board administration fund created in section 31 of this act.

Section 32. Sections 32 to 44 of this act shall be known as "The Surety Recovery Agent Licensure Act".

Section 33. As used in sections 32 to 44 of this act, the following terms mean:

- (1) "Board", the professional bail bondsman licensing board created in section 3 of this act;
- (2) "Licensed surety recovery agent", a person who is licensed as a surety recovery agent by the board;
- (3) "Surety recovery", the tracking down and capturing of a defendant who has violated a bail bond agreement.

Section 34. No person shall hold himself or herself out as being a surety recovery agent in this state, unless such person is licensed in accordance with the provisions of sections 32 to 44 of this act.

Section 35. The professional bail bondsman licensing board shall have authority to license all surety recovery agents in this state. The board shall have control and supervision over the licensing of such agents and the enforcement of the terms and provisions of sections 32 to 44 of this act.

Section 36. The board shall have power to:

- (1) Set and determine the amount of the fees which sections 32 to 44 of this act authorize and require. The fees shall be set at a level sufficient to produce revenue which shall not substantially exceed the cost and expense of administering sections 32 to 44 of this act;
- (2) Determine the sufficiency of the qualifications of applicants for licensure;
- (3) Issue credentials and identification documents and cards to surety recovery agents; and
- (4) Promulgate rules and regulations necessary to administer and enforce the provisions of sections 32 to 44 of this act, however, no rule or portion of a rule promulgated pursuant to the authority of sections 32 to 44 of this act shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Section 37. The board shall license all surety recovery agents in this state, who meet the requirements of sections 32 to 44 of this act.

Section 38. 1. A candidate for a surety recovery agent's license shall be at least twenty-one years of age. A candidate shall furnish evidence of such person's qualifications by completing an approved licensed surety recovery agent course with at least one hundred sixty hours of minimum training approved by the board, which shall include, but not be limited to, firearms safety and use, constitutional law and the legal use of force.

2. No license shall be granted unless the candidate or the professional bail bond company, as defined in section 1 of this act, employing such candidate has obtained a one million dollar bond or a one million dollar insurance

policy insuring against any damages to persons or property caused by the candidate.

Section 39. The board shall issue a license to any surety recovery agent who is licensed or certified in another jurisdiction and who has had no violations, suspensions or revocations of a license or certification for surety recovery in any jurisdiction, provided that, such person is licensed or certified in a jurisdiction whose requirements are substantially equal to, or greater than, the requirements for licensing of surety recovery agents in Missouri at the time the applicant applies for a license and that the applicant has proof of a one million-dollar bond or one million-dollar liability insurance policy. Every applicant for a license pursuant to this section, upon making application and showing the necessary qualifications as provided in subsection 1 of this section, shall be required to pay the same fee as the fee required to be paid by resident applicants. Within the limits provided in this section, the board may negotiate reciprocal compacts with licensing boards of other states for the admission of licensed surety recovery agents from Missouri in other states.

Section 40. 1. Every person licensed pursuant to sections 32 to 44 of this act shall, on or before the license renewal date, apply to the board for a licensure renewal for the ensuing licensing period. The application shall be made on a form furnished to the applicant and shall state the applicant's full name, the applicant's business address, the address at which the applicant resides, the date the applicant first received a license and the applicant's surety recovery agent identification number, if any.

2. A blank form for the application for licensure renewal shall be mailed to each person licensed in this state at the person's last known address. The failure to mail the form of application or the failure of a person to receive it does not, however, relieve any person of the duty to be licensed and to pay the fee required by sections 32 to 44 of this act nor exempt such person from the penalties provided by sections 32 to 44 of this act for failure to be licensed.

Section 41. Each applicant for licensure renewal shall accompany such application with a licensure renewal fee to be paid to the director of the division of professional registration for the licensing period for which licensure renewal is sought.

Section 42. Any person who holds himself or herself out to be a licensed surety recovery agent within this state or claims that the person can render surety recovery agent services or any person who conducts a surety recovery in this state and who, in fact, does not hold a valid surety recovery agent's license is guilty of a class D felony and, upon conviction, shall be punished as provided by law.

Section 43. 1. A licensed surety recovery agent having probable grounds to believe a defendant, free on their bond, has failed to appear as directed by a court, has breached the terms of the defendant's surety agreement, or has taken a substantial step toward absconding may use reasonable means to capture and surrender the defendant subject to subsections 1 to 6 of this section.

2. No person shall hold himself or herself out to be a surety recovery agent in this state unless that person is licensed in accordance with the provisions of sections 32 to 44 of this act.

3. No surety recovery agent may use or threaten the use of deadly force, or display a deadly weapon while capturing, detaining, or transporting the defendant, unless the defendant is wanted for a felony or misdemeanor.

4. No surety recovery agent shall make a forcible entry of the defendant's residence or abode unless the defendant is wanted for a felony or a misdemeanor. No surety recovery agent shall make a forcible entry of the defendant's residence or abode unless the surety recovery agent first informs the local law enforcement agency of who the defendant is and the address where such forcible entry will be made. A surety recovery agent shall take all reasonable and necessary steps to confirm that the address where such forcible entry is to be made is in fact the residence or abode of the defendant.

5. No surety recovery agent shall make a forcible entry of any dwelling, abode or business other than the residence or abode or business of a defendant wanted for a felony or misdemeanor.

6. To surrender a defendant to a court a licensed surety recovery agent may do the following:

(1) Detain a defendant in a reasonable manner for a reasonable time not to exceed seventy-two hours;

(2) Transport a defendant in a reasonable manner from state to state and county to county to a place of authorized surrender.

7. Nothing in this section shall preclude a surety recovery agent from using lawful self-defense.

Section 44. 1. The one million-dollar bond or one million-dollar liability insurance policy required for licensing shall be used to pay any damages found pursuant to this section. Any recovery for such damages, actual or punitive, shall not be limited to the one million-dollar bond or policy.

2. Liability for damages pursuant to this section shall be joint and several for the surety recovery agent and the professional bail bond company, whether licensed or not, who employs or contracts with the surety recovery agent."; and

Further amend said bill, Page 56, Section B, Line 22 of said page, by inserting immediately after said line the following:

"Section C. Because immediate action is necessary to clarify the bail bondsman law sections 1 to 44 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and sections 1 to 44 of this act are hereby declared to be an emergency act within the meaning of the constitution, and sections 1 to 44 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Rohrbach offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 248, Pages 6-35, Sections 1-44, by deleting the word "bondsman" anywhere it appears in said sections and inserting in lieu thereof the word "bondsperson".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Clay requested a roll call vote be taken and was joined in his request by Senators Childers, Jacob, Kinder and Lybyer.

Under the provisions of Senate Rule 90, Senator Banks requested to be excused from voting on **SA 1**, as amended, which request was granted.

SA 1, as amended, failed of adoption by the following vote:

Yeas--Senators

Caskey	Clay	House	Jacob
Johnson	Lybyer	Maxwell	Quick--8

Nays--Senators

Bentley	Childers	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Kenney	Kinder	Klarich	Mathewson
McKenna	Mueller	Rohrbach	Russell
Schneider	Scott	Singleton	Westfall
Wiggins	Yeckel--22		

Absent--Senators

Curls	Sims	Staples--3
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Absent with leave--Senators--None

Excused from voting--Senators--Banks--1

Senator Lybyer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 248, Page 41, Section 488.023, Line 26 of said page, by inserting immediately after all of said line the following:

"508.075. 1. Each court of this state shall decline to exercise jurisdiction of any cause of action accruing outside the circuit in which the court is located if there is another forum with jurisdiction of the parties in which the trial can be more appropriately held taking into account the following:

- (1) Place of accrual of the cause of action;**
- (2) Location of witnesses;**
- (3) The residence of the parties; and**
- (4) The public factor of the convenience to and burden upon the court.**

If upon motion of any party, filed not later than ninety days after the last day allowed for the filing of that party's answer, such party makes an evidentiary showing that the existing forum constitutes an inconvenient forum based on the above factors the court, upon such showing, shall dismiss the action without prejudice on any conditions that may be just or transfer the case to a convenient forum.

2. If a court dismisses an action pursuant to subsection 1 of this section, the dismissal shall be under the following conditions:

- (1) If the plaintiff elects to file the action in another forum within one year of the dismissal order, the defendant shall accept service of process from that court; and**
- (2) If the plaintiff elects to file the action in another forum within one year of the dismissed order, and the statute of limitations has run in the other forum, the defendant shall waive that defense.**

If the defendant refuses to abide by the conditions of this subsection, the cause of action shall be reinstated in the court in which the dismissal was granted, or if the court in the other forum refuses to accept jurisdiction, the plaintiff may, within sixty days of the final order refusing jurisdiction, reinstate the cause of action in the court in which the dismissal was granted.

3. If a court transfers a case pursuant to subsection 1 of this section, the clerk of the court from which the transfer is granted shall immediately certify and transmit to the clerk of the court to which the transfer is ordered the originals of all papers filed in the case together with copies of all orders entered in such case."; and

Further amend the title and enacting clause accordingly.

Senator Lybyer moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 2** is out of order in that it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Schneider moved that **SS** for **SB 248** be adopted, which motion prevailed.

On motion of Senator Schneider, **SS** for **SB 248** was declared perfected and ordered printed.

Senator Staples moved that **SB 20** be taken up for perfection, which motion prevailed.

On motion of Senator Staples, **SB 20** was declared perfected and ordered printed.

Senator Lybyer moved that **SB 21**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 21**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 21

An Act to repeal section 67.1300, RSMo Supp. 1996, relating to a local sales tax for certain counties, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Lybyer moved that **SCS** for **SB 21** be adopted.

At the request of Senator Lybyer, **SB 21**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Staples assumed the Chair.

Senator McKenna moved that **SB 345**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 345**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 345

An Act to repeal sections 572.010, 572.070 and 572.125, RSMo 1994, relating to gambling, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator McKenna moved that **SCS** for **SB 345** be adopted.

Senator McKenna offered **SS** for **SCS** for **SB 345**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 345

An Act to repeal sections 572.010, 572.070 and 572.125, RSMo 1994, relating to the crime of gambling, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Senator McKenna moved that **SS** for **SCS** for **SB 345** be adopted.

Senator DePasco offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 345, Page 6, Section 572.125, Line 21, by inserting immediately after all of said line the following:

"Section 1. 1. No person, bank, holding company, trust company, partnership, association, corporation or other legal entity may establish, maintain or operate an automated device that processes financial transactions which involve credit cards on an excursion gambling boat. For purposes of this section, term "credit card" shall be as defined in the Consumer Credit Protection Act, 15 U.S.C. Section 1602 (k), or successor acts, and the term "excursion gambling boat" shall be as defined in section 313.800.

2. Violation of the provisions of subsection 1 of this section shall be a class C misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted.

At the request of Senator DePasco, **SA 1** was withdrawn.

Senator McKenna moved that **SS** for **SCS** for **SB 345** be adopted, which motion prevailed.

Senator McKenna moved that **SS** for **SCS** for **SB 345** be declared perfected and ordered printed, which motion failed on a standing division vote.

Senator Sims moved that **SB 327**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 327**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 327

An Act to amend chapter 197, RSMo, by adding thereto eleven new sections relating to transfers of assets by nonprofit hospitals, with an emergency clause.

Was taken up.

Senator Sims moved that **SCS** for **SB 327** be adopted.

Senator Sims offered **SS** for **SCS** for **SB 327**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 327

An Act to amend chapter 355, RSMo, by adding thereto eleven new sections relating to transfers of assets by nonprofit hospitals, with an emergency clause.

Senator Sims moved that **SS** for **SCS** for **SB 327** be adopted, which motion prevailed

On motion of Senator Sims, **SS** for **SCS** for **SB 327** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 229**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 633**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 762**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 709**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator House offered Senate Resolution No. 574, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles William Stumbaugh, Montgomery City, which was adopted.

Senator Bentley offered Senate Resolution No. 575, regarding John Q. Hammons, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 576, regarding The Child Advocacy Center, Inc., Springfield, which was adopted.

Senator Graves offered Senate Resolution No. 577, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gilbert Buhman, Stanberry, which was adopted.

Senator Graves offered Senate Resolution No. 578, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Sylvester Welch, Parnell, which was adopted.

Senator Maxwell offered Senate Resolution No. 579, regarding the Hannibal-LaGrange College Trojan Women's Basketball Team, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 31**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 41**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 95**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 125**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 125, Page 1, Section 85.541, Line 8, by inserting after the word "of" the following: "**not less than three, but**".

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 609**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 689**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 651**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 360**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SS** for **SB 360**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 360

An Act to repeal sections 151.020, 153.030, 160.538, 162.081, 162.705, 163.036, 165.121, 166.260, 167.131 and 168.221, RSMo 1994, and sections 160.534, 163.011, 163.021, 163.031, 164.011, 165.011, 165.111, 166.275 and 166.300, RSMo Supp. 1996, relating to education, and to enact in lieu thereof thirty new sections relating to the same subject, with an emergency clause for a certain section.

Senator Caskey moved that **SS** for **SB 360** be adopted.

Senator Scott assumed the Chair.

Senator Staples requested unanimous consent of the Senate to allow the Senate Transportation Committee to meet while the Senate is in session, which request was granted.

Senator Mathewson assumed the Chair.

Senator Staples resumed the Chair.

Senator Clay assumed the Chair.

Senator Johnson resumed the Chair.

At the request of Senator Caskey, **SB 360**, with **SS** (pending), was placed on the Informal Calendar.

Senator Lybyer moved that **SB 21**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 21** was again taken up.

Senator Lybyer moved that **SCS** for **SB 21** be adopted, which motion failed.

SB 21 was taken up.

Senator Clay offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 21, Page 4, Section 67.1300, Line 119, by inserting immediately after said line the following:

"Section 1. 1. The governing body of any city not within a county is hereby authorized to impose, by ordinance or order, a sales tax on all retail sales which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of funding medical care for the medically indigent. For the purposes of this section, the term "medically indigent" shall mean those individuals and families who do not have employer-sponsored health insurance, coverage under the Medicaid or Medicare programs, or income levels, as determined by the city imposing the tax, sufficient to purchase adequate health insurance coverage. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. The ordinance or order shall become effective after the governing body of the city shall submit to the voters of that city a proposal to authorize the tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of(name of city) impose a sales tax of(insert amount) for the purpose of funding medical care for the medically indigent?

[] Yes [] No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order shall be in effect, beginning the first day of the second calendar quarter following its adoption. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the city shall have no power to impose the sales tax authorized in this section unless and until the governing body of the city shall again have submitted another such proposal and the proposal is approved by the requisite majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal submitted pursuant to this section.

3. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax in the same manner as provided in sections 94.500 to 94.550, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed pursuant to this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

4. The sales tax may be approved at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, one half of one percent, five-eighths of one percent, three-fourths of one percent, seven-eighths of one percent, or one percent of the receipts from the sale at retail of all tangible personal property and taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

5. All revenue generated from the tax authorized under the provisions of this section shall be deposited into the "Medical Indigence Sales Tax Fund", which is hereby created in the state treasury. The fund moneys shall be distributed to the city from which the revenue was generated for the sole purpose of funding medical care for the medically indigent, as that term is defined in this section. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the fund shall be used solely for that purpose."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Lybyer, **SB 21**, as amended, was placed on the Informal Calendar.

SB 466 was placed on the Informal Calendar.

SB 326 was placed on the Informal Calendar.

SB 2 was placed on the Informal Calendar.

SB 274, with **SCS**, was placed on the Informal Calendar.

SJR 9, with **SCA 1**, was placed on the Informal Calendar.

Senator Wiggins moved that **SB 457** and **SB 458**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 457** and **458**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 457 and 458

An Act to repeal section 143.751, RSMo 1994, relating to taxation, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **SBs 457** and **458** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SBs 457** and **458** was declared perfected and ordered printed.

SB 298, with **SCA 1**, was placed on the Informal Calendar.

Senator Howard moved that **SB 319**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 319**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 319

An Act to repeal section 191.331, RSMo 1994, relating to newborn testing, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **SB 319** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 319, Page 1, Line 11, by adding following the word "licensed", the words "**certified nurse**"; and

Further amend by adding on page 2, line 29, following the word "licensed" the words "**certified nurse**"; and

Further amend by adding on page 2, line 36, following the word "licensed" the words "**certified nurse**"; and

Further amend by adding on page 3, line 53, following the word "licensed" the words "**certified nurse**".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Howard moved that **SCS** for **SB 319**, as amended, be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SB 319**, as amended, was declared perfected and ordered printed.

Senator DePasco moved that **SB 298**, with **SCA 1**, be called from the Informal Calendar and taken up for perfection.

SCA 1 was taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

On motion of Senator DePasco, **SB 298**, as amended, was declared perfected and ordered printed.

Senator Lybyer moved that **SB 21**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Graves offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 21, Page 1, Section 67.1300, Line 10, by inserting before the word "or" the following: "**or a county of the third classification without a township form of government and with a population of at least seven thousand four hundred but less than eight thousand inhabitants**".

Senator Graves moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lybyer, **SB 21**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 309**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SCS** for **SB 327**; and **SS** for **SB 275**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 82**, entitled:

An Act to repeal section 407.469, RSMo 1994, relating to disclosures of certain fund-raising costs, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 820**, entitled:

An Act relating to crime of aggravated harassment of an employee by an inmate, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 802**, entitled:

An Act to authorize the conveyance of certain real property in Jefferson City to the St. Louis Health Care Network.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 823**, entitled:

An Act to repeal sections 217.010 and 217.777, RSMo Supp. 1996, relating to community corrections, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 642**, entitled:

An Act to repeal section 197.400, RSMo 1994, and section 197.445, RSMo Supp. 1996, relating to home health agencies, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 470**, entitled:

An Act to repeal section 137.021, RSMo 1994, relating to real property, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 844**, entitled:

An Act to repeal section 56.265, RSMo Supp. 1996, relating to county prosecutors, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 813**, entitled:

An Act to repeal sections 233.135, 233.140, and 233.185, RSMo 1994, relating to certain special road districts, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 816**, entitled:

An Act to repeal section 190.309, RSMo Supp. 1996, relating to certain emergency telephone boards, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 592**, entitled:

An Act relating to certain cemeteries.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 348**, entitled:

An Act to repeal section 147.040, RSMo 1994, and section 147.120, RSMo Supp. 1996, relating to Missouri corporation franchise tax, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 821**, entitled:

An Act relating to expense reimbursement for members of certain boards and commissions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 493** and **39**, entitled:

An Act to repeal sections 174.620 and 175.021, RSMo 1994, and sections 172.035, 174.055 and 174.610, RSMo Supp. 1996, relating to certain institutions of higher education, and to enact in lieu thereof twelve new sections relating to the same subject, with an expiration date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 430**.

With House Substitute Amendment No. 1 for House Committee Amendment No. 1, House Amendment No. 1, House Amendment No. 2.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 430, Page 4, Section 5, Line 48, by inserting after said line the following:

"(2) In referring offenders to local volunteer community boards for probation supervision pursuant to this section, the court is encouraged to select those volunteers who live in close geographical proximity to the community in which the crime is alleged to have occurred for supervision purposes."; and

Further amend said section, line 49, by striking the following: "(2)," and inserting in lieu thereof the following: **"(3)"**.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 430, Page 1, In the Title, Line 5, by inserting after the word

"sections" the following: "and with a termination date for a certain section"; and

Further amend said bill, Page 3, Section 217.440, Line 8, by inserting at the end of said line the following: "**The provisions of this section shall terminate December 31, 2000.**"; and

Further amend said bill, Page 4, Section 217.777, Line 39, by deleting the word "**In**" and inserting in lieu thereof the following: "**Until December 31, 2000, in**".

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 430, Page 10, Section B, Line 7, by adding immediately after said line, the following:

"Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act."

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 335**, entitled:

An Act to repeal sections 354.400, 354.405, 354.410, 354.430, 354.470, 354.490, 354.505, 354.515, 354.535, 374.500, 374.507, 374.510 and 538.205, RSMo 1994, and sections 376.381 and 376.811, RSMo Supp. 1996, relating to managed care organizations, and to enact in lieu thereof sixty-four new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 580, regarding Jeff Brenning, Breckenridge Hills, which was adopted.

Senator Yeckel offered Senate Resolution No. 581, regarding Andrew Thomas LaRose, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 582, regarding Timothy Ryan LaRose, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Justin Hakes, Christina Hill, Sean Mongey and Tiffany Woods, St. Louis.

Senator Staples introduced to the Senate, Susan Kohn and twelve nursing students from Mineral Area College.

Senator Kenney introduced to the Senate, Karen Levy, St. Charles.

Senator Schneider introduced to the Senate, students from St. Williams Elementary School, St. Louis; and Jeremy Kuhle, Matt Frank, Brian Davis and Lindsey Stubbs were made honorary pages.

Senator Caskey introduced to the Senate, Sandy Hutchinson, Holly Schmitz, and fifteen seventh and eighth grade students from Shawnee R-III School, Chilhowee; and Ashley Thomas, Vic Mothersbaugh and Zeke Curry were made honorary pages.

Senator Graves introduced to the Senate, Steve Kinyon, and sixty eighth grade students from Nodaway-Holt School District.

Senator Westfall introduced to the Senate, Kathy Houck, and eighteen seventh and eighth grade students from St. Mary School, Pierce City.

Senator Rohrbach introduced to the Senate, Faye Mooney and Nathan Wilhoit, Eldon; Chris Rehagen, St. Elizabeth; Janie Graves, Tuscumbia; and Chris Byrd, Lake Ozark.

Senator Graves introduced to the Senate, nurses from North Central Missouri College.

Senator Caskey introduced to the Senate, James Hill, Phil Brillhart, Bob Evers, Mike Van Aken and Robert Norman, Raymore.

Senator Childers introduced to the Senate, a delegation of EXCEL Leadership Group from Douglas and Howell Counties.

Senator Bentley introduced to the Senate, Melba Hosmer, Martha Jean Amos and Dorothy Douthit, Springfield.

Senator Goode introduced to the Senate, Fran Dennis, Pat Finnell, and student nurses from St. Louis Community College, Florissant Valley.

Senator Klarich introduced to the Senate, John and Carol Generally, Union.

Senator Quick introduced to the Senate, Mary Langer, Jane Rowland, and fourteen students from Oak Park High School, North Kansas City.

Senator Childers introduced to the Senate, members of the Lions Club and VFW, Shell Knob.

Senator Howard introduced to the Senate, Gary and C.J. Westmorlan, Hornersville; and Penny Broglin and Robert Moore, Kennett.

Senator Wiggins introduced to the Senate, Richard Dolginow, Marty Hugo, Keith Pence and Pack 84 Boy Scouts from Country Club Christian Church, Kansas City; and David Dolginow, P.J. Mingos, Hunt Bascom, Adam Hugo and Andy Pence were made honorary pages.

Senator Westfall introduced to the Senate, Jimmie Rice, Caren Hertzberbe, and students from Vernon County School, Nevada; and Melody Morgan, Shane Clinton, Kristen Caldwell, Erin Culbertson and Darcy Hertzberbe were made honorary pages.

Senator Caskey introduced to the Senate, Barbara and Howard Sherman; Brandon Wackerman, Butler; Brian Dizney, Adrian; and Matt Griffith, Ballard.

Senator Curls introduced to the Senate, Stacey Daniels, Kansas City.

Senator Schneider introduced to the Senate, Chauncey Trawick, and students from Duchesne Elementary School, St. Louis; and Erica Wilkins, Katie Bradshaw, Markita Wallace and Michelle Guenther were made honorary pages.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-NINTH DAY--WEDNESDAY, APRIL 9, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, the Bible teaches, "A friend loves at all times." We are thankful for the friends we have at the Capitol. We come from different backgrounds and traditions; but we have learned love and respect for one another. Thank You for giving to us, friends. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 583, regarding Leslie M. Deckard, Kirkwood, which was adopted.

Senator Russell offered Senate Resolution No. 584, regarding the Marshfield High School Girls Basketball Team, which was adopted.

Senator Flotron offered Senate Resolution No. 585, regarding Aaron Loehr, Maryland Heights, which was adopted.

Senator Staples offered Senate Resolution No. 586, regarding Farmington High School's Interdisciplinary Teams, which was adopted.

Senator Lybyer offered Senate Resolution No. 587, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Gentry, Cabool, which was adopted.

Senator Lybyer offered Senate Resolution No. 588, regarding Ellen Loren Cardin, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 223**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 223**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 223

An Act to repeal sections 354.400, 354.405, 354.410, 354.430, 354.470, 354.490, 354.505, 354.515, 354.535, 374.500, 374.507 and 374.510, RSMo 1994, and sections 376.381 and 376.811, RSMo Supp. 1996, relating to managed care organizations, and to enact in lieu thereof forty-eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Maxwell moved that **SCS** for **SB 223** be adopted.

Senator Howard offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 223, Page 38, Section 354.618, Line 3, by striking the word "**or**" and inserting in lieu thereof a comma","; and

Further amend said bill, Page 38, Section 354.618, Line 3, by inserting immediately after the word "**provider**" the following: "**or a chiropractor**"; and

Further amend said bill, Page 38, Section 354.618, Line 6, by striking the word "**or**" and inserting in lieu thereof a comma","; and

Further amend said bill, Page 38, Section 354.618, Line 6, by inserting immediately after the word "**provider**" the following: "**or a chiropractor**"; and

Further amend said bill, Page 38, Section 354.618, Line 9, by striking the word "**or**" and inserting in lieu thereof a comma","; and

Further amend said bill, Page 38, Section 354.618, Line 9, by inserting immediately after the word "**provider**" the following: "**or a chiropractor**"; and

Further amend said bill, Page 38, Section 354.618, Line 10, by striking the word "**or**" and inserting in lieu thereof a comma","; and

Further amend said bill, Page 38, Section 354.618, Line 10, by inserting immediately after the word "**provider**" the following: "**or a chiropractor**"; and

Further amend said bill, Page 39, Section 354.618, Line 18, by inserting immediately after the word "**medicine.**" the following: "**For the purposes of this section a chiropractor shall be licensed pursuant to chapter 331, RSMo.**".

Senator Howard moved that the above amendment be adopted, which motion prevailed on a standing division vote.

At the request of Senator Maxwell, **SB 223**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem McKenna referred **SS** for **SCS** for **SB 327** to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

HB 1, introduced by Representative Lumpe, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Fourth State Building Fund, and to transfer money among certain funds for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up by Senator Lybyer.

On motion of Senator Lybyer, **HB 1** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Clay	Curls	Flotron	Sims--4
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for HB 2, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money from the General Revenue Fund to the State School Moneys Fund, and to transfer money from the General Revenue Fund to the Video Instructional Development and Educational Opportunity Fund, and to transfer money from the General Revenue Fund to the Outstanding Schools Trust Fund, and to transfer money from the Gaming Proceeds for Education Fund to the State School Moneys Fund and to transfer money from the Gaming Proceeds for Education Fund to the School District Bond Fund and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up by Senator Lybyer.

SCS for HCS for HB 2, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money from the General Revenue Fund to the State School Moneys Fund, and to transfer money from the General Revenue Fund to the Video Instructional Development and Educational Opportunity Fund, and to transfer money from the General Revenue Fund to the Outstanding Schools Trust Fund, and to transfer money from the Gaming Proceeds for Education Fund to the State School Moneys Fund and to transfer money from the Gaming Proceeds for Education Fund to the School District Bond Fund and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up.

Senator Lybyer moved that **SCS for HCS for HB 2** be adopted.

Senator Klarich raised the point of order that Section 2.201 is not a true appropriation, but a legislative act under Article III.

President Pro Tem McKenna ruled the point of order not well taken.

Senator Lybyer moved that **SCS for HCS for HB 2** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS for HCS for HB 2** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Banks Clay--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for HB 3, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri and to transfer money among certain funds for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up by Senator Lybyer.

SCS for HCS for HB 3, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 3** be adopted.

Senator Lybyer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 2, Section 3.020, Line 5, by deleting the number "873,400" and inserting in lieu thereof the number "903,400".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 8, Section 3.095, Line 3, by deleting the number "3,675,400" and inserting in lieu thereof the number "3,745,400"; and

Further amend said bill, page 10, Section 3.111, line 4, by deleting the number "2,699,639" and inserting in lieu thereof the number "2,709,639" and further amend said section, line 9, by deleting the number "2,928,620" and inserting in lieu thereof the number "2,938,620".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 3**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 3**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators

Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to concur in **HSA 1** for **HCA 1**, **HA 1** and **HA 2** to **SCS** for **SB 430** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 4**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 4** be adopted.

Senator Howard offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 4, Page 2, Section 4.015, by inserting immediately after said section, the following new section:

"Section 4.020. To the Department of Revenue

For the purpose of funding the Motor

Vehicle Commission

Personal Service \$368,106

Expense and Equipment 131,894

From Motor Vehicle Commission Fund \$500,000".

Senator Howard moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Banks, Childers, Mathewson and Scott.

SA 1 failed of adoption by the following vote:

Yeas--Senators

Curls	Howard	Johnson--3
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Nays--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Absent--Senators--None

Absent with leave--Senators--None

Senator Lybyer moved that **SCS** for **HCS** for **HB 4** be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 4** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall

Wiggins

Yeckel--34

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HB 82--Commerce and Environment.

HB 348--Ways and Means.

HB 470--Local Government and Economic Development.

HB 592--Corrections and General Laws.

HB 642--Aging, Families and Mental Health.

HB 802--Local Government and Economic Development.

HB 813--Transportation.

HB 816--Local Government and Economic Development.

HB 820--Civil and Criminal Jurisprudence.

HB 821--Financial and Governmental Organization.

HB 823--Corrections and General Laws.

HB 844--Civil and Criminal Jurisprudence.

HB 193--Insurance and Housing.

HCS for HB 528--Agriculture, Conservation, Parks and Tourism.

HCS for HBs 600 and 388--Public Health and Welfare.

HJR 18--Financial and Governmental Organization.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 487**, entitled:

An Act to repeal section 595.209, RSMo Supp. 1996, relating to victims of crime, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 547**, entitled:

An Act relating to certain operations of government.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 817**, entitled:

An Act to repeal section 104.110, RSMo Supp. 1996, relating to the highways and transportation employees' and highway patrol retirement system, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 827**, entitled:

An Act to repeal sections 169.010 and 169.600, RSMo Supp. 1996, relating to the public school retirement system, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 402**, entitled:

An Act to repeal section 701.051, RSMo 1994, relating to inspection fees for on-site sewage disposal systems, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 540**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 727**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 300**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 213**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 249**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 249, Page 3, Section 190.328, Line 5, by inserting after the word "**classification**" the following: "**but do not border the Mississippi River**"; and

Further amend said bill, Page 3, Section 190.329, Line 5, by inserting after the word "**classification**" the following: "**but do not border the Mississippi River**".

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 713**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 20**; and **SS** for **SB 248**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Maxwell offered Senate Resolution No. 589, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Jeff Otto, Novelty, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HSA 1** for **HCA 1**, **HA 1**, **HA 2** to **SCS** for **SB 430** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **SB 430**, as amended: Representatives: Crump, Hosmer, Overschmidt, Townley, Griesheimer.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 430**, with **HSA 1** for **HCA 1**, **HA 1** and **HA 2**: Senators Caskey, Scott, Mathewson, Klarich and Graves.

Senator Mathewson assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HB 5**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 5** be adopted.

Senator Lybyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 25, Section 5.365, by deleting said section and inserting in lieu thereof the following new section:

"Section 5.365. To the Office of Administration

For paying the approved claims submitted by the county courts for the payment of the costs in criminal cases, and for the transportation of convicted criminals to the state penitentiaries as well as the costs for reimbursement of the expenses associated with extradition, provided that such claims shall be reduced by any amount paid by the state for office space or utility services due to the failure of such city or county to comply with the provisions of section 600.040, RSMo.

From General Revenue

Fund (0 F.T.E.) . . . \$25,002,500 E".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 5**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 5**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Scott	Sims--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for HB 6, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources, Department of Conservation, and for payments to counties for the unimproved value of land in lieu of property taxes for privately owned lands acquired by the Conservation Commission after July 1, 1977 and for lands classified as forest croplands, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up by Senator Lybyer.

SCS for HCS for HB 6, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up.

Senator Lybyer moved that **SCS for HCS for HB 6** be adopted.

Senator Lybyer offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 6, Page 12, Section 6.084, Lines 3-4, by deleting said lines and inserting in lieu thereof the following new lines:

"General Revenue Fund, Three Hundred Fifty Thousand Dollars (\$350,000) to the State Fair Fees Fund".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS for HCS for HB 6**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS for HCS for HB 6**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder

Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Bentley Sims--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 8**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 8**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 8** be adopted.

Senator Lybyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 8, Page 1, Section 8.005, Line 18, by deleting the number "2,096,522" and inserting in lieu thereof the number "2,092,453".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 8**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 8**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Scott	Staples--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 9**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 9**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 9** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 9, Page 15, Section 9.500, Line 3, by deleting the number "\$13,394,152" and inserting in lieu thereof the number "\$13,416,160"; and

Further amend said section, line 7, by deleting the number "\$23,659,335" and inserting in lieu thereof the number "\$23,681,343"; and

Further amend said bill, page 16, section 9.505, line 6, by deleting the number "\$27,030,072" and inserting in lieu thereof the number "\$28,040,940".

Senator Goode moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Mathewson resumed the Chair.

President Pro Tem McKenna resumed the Chair.

Senator Singleton offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 9, Page 15, Section 9.500, Line 3, by deleting the number "13,394,152" and inserting in lieu thereof the number "13,416,160"; and further amend said section and line by inserting immediately after said line the following new line:

"Any salary adjustment other than the Governor's recommendation for Fiscal Year 1998 is subject to review and reclassification of probation and parole officers by the Division of Personnel"; and

Further amend said section, line 7, by deleting the number "\$23,659,335" and inserting in lieu thereof the number "\$23,681,343"; and

Further amend said bill, page 16, section 9.505, line 6, by deleting the number "\$27,030,072" and inserting in lieu thereof the number "\$28,040,940"; and

Further amend said section, line 6, by inserting immediately after said line the following new line:

"Any salary adjustment other than the Governor's recommendation for Fiscal Year 1998 is subject to review and reclassification of probation and parole officers by the Division of Personnel".

Senator Singleton moved that the above substitute amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 9**, as amended, be adopted, which motion prevailed.

Senator Maxwell assumed the Chair.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 9**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators

Ehlmann Mueller--2

Absent--Senators

Banks Curls--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

President Wilson resumed the Chair.

HCS for **HB 10**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 10**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 10** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 39, Section 10.685, Lines 3-15, by deleting all of said lines and inserting in lieu thereof the following:

"For the purpose of funding family planning services provided directly by the Division of Maternal, Child and Family Health or provided directly by public health agencies through contractual agreement, **provided that none of the funds may be expended for the purpose of performing, promoting or referring for an abortion, and further provided that none of the funds may be expended to subsidize abortion services or administrative expenses as verified by independent audit.**

From General Revenue Fund .\$4,354,639

From Federal Funds 1,464,819

For funding to local public health agencies, community action agencies, rural health clinics, hospitals, and physicians' offices to provide pregnancy testing and follow-up services, provided that no money appropriated in this section shall be used to provide, promote or refer for abortion.

From General Revenue Fund .\$ 664,000

Total \$6,483,458".

Senator Klarich moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 39, Section 10.685, Lines 1-15, by deleting all of said section and inserting in lieu thereof the following:

"Section 10.685. 1. To the Department of Health

For the Division of Maternal, Child and Family Health Care

For funding family planning services at private physicians' offices, public and private hospitals, public health agencies, federally-qualified health centers, community health centers, rural health clinics and community action agencies; provided, however, that none of the funds appropriated under this section shall go to any organization which performs, promotes or refers for abortions as a method of family planning

From General Revenue Fund .\$4,354,639

From Federal Funds 1,464,819

2. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable. If any provision of this section or the application thereof is held invalid or unconstitutional, then this section is invalid and void. It is the intent of the general assembly that there shall be no appropriation pursuant to this section if all or any part of the appropriation is made contrary to the provisions of this section, and there shall be no appropriation pursuant to this section if all or any part of this section is held invalid or unconstitutional.

For funding to local public health agencies, rural health clinics, physicians' offices and hospitals to provide pregnancy testing and follow-up services

From General Revenue Fund . \$664,000

Total (O.F.T.E.) \$6,483,458".

Senator Klarich moved that the above substitute amendment be adopted.

Senator Lybyer requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1** and was joined in his request by Senators Mueller, Quick, Sims and Wiggins.

SSA 1 for **SA 1** failed of adoption by the following vote:

Yeas--Senators			
Childers	Ehlmann	Flotron	Graves
House	Kenney	Klarich	Mueller
Rohrbach	Schneider--10		
Nays--Senators			
Banks	Bentley	Caskey	Clay
Goode	Howard	Jacob	Johnson
Kinder	Lybyer	Mathewson	Maxwell
McKenna	Quick	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--22		
Absent--Senators			
Curls	DePasco--2		
Absent with leave--Senators--None			

SA 1 was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator House offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 40, Section 10.690, Lines 9 and 10, by striking the words "excluding any service not consistent with the requirements of Sections 188.200 to 188.220, RSMo." and inserting in their stead the words, "**provided that no money appropriated in this section, and no state employee or facility which operates with funds appropriated in this section, may be used to promote abortion or directly or indirectly refer a woman elsewhere for the purpose of an abortion other than an abortion necessary to prevent the death of the woman.**"; and

Further amend said section, line 3, by inserting after the word "departments" the following: ", **community action agencies as defined in section 660.370 RSMo.**".

Senator House moved that the above amendment be adopted and requested that a roll call vote be taken. He was joined in his request by Senators Childers, Mueller, Russell and Singleton.

SA 2 failed of adoption by the following vote:

Yeas--Senators

Childers	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Schneider
Scott	Yeckel--14		

Nays--Senators

Banks	Bentley	Caskey	Clay
Goode	Howard	Jacob	Johnson
Lybyer	Mathewson	Maxwell	McKenna
Quick	Sims	Singleton	Staples
Westfall	Wiggins--18		

Absent--Senators

Curls	DePasco--2
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Absent with leave--Senators--None

Senator Lybyer moved that **SCS** for **HCS** for **HB 10** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 10** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob

Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators

Childers Kenney--2

Absent--Senators

Curls--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 11**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 11**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 11** be adopted.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 29, Section 11.315, by adding the following:

"For Division of Youth Services

For the purpose of funding community based youth services job programs pursuant to Section 219.091 RSMo \$150,000.00".

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Klarich, **SA 1** was withdrawn.

Senator Lybyer moved that **SCS** for **HCS** for **HB 11** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 11** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls Ehlmann--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SCS** for **SB 327**; **SS** for **SB 208**; **SB 264**; **SB 24**; **SB 176**; **SS** for **SB 271**; and **SCS** for **SB 263**, begs leave to report that it has considered the same

and recommends that the bills do pass.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SBs 457** and **458**; **SCS** for **SB 319**; **SB 21**; and **SB 298**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 590, regarding David Pedro Gravseth, Poplar Bluff, which was adopted.

Senator Ehlmann offered Senate Resolution No. 591, regarding Mrs. Bev Holloran, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Clay introduced to the Senate, the Physician of the Day, Corinna Hendrell, M.D., St. Louis.

Senator Mathewson introduced to the Senate, Jane, Joyce and Dylon Neville, Lexington; and Dylon was made an honorary page.

Senator Kenney introduced to the Senate, Chris Brown, Stephanie Hill, Peggy Peterson, and students from the Hickman Mills School District.

Senator Caskey introduced to the Senate, Sarah Schwartz, and forty-eight students from the Warrensburg Middle School, Warrensburg.

Senator Rohrbach introduced to the Senate, Danella Joe and Jediah Mae Churchill, Chicago, Illinois.

On behalf of Senator Singleton and himself, Senator Westfall introduced to the Senate, Dr. Swearingen and Dr. Burton, Lamar.

Senator Maxwell introduced to the Senate, Kim Kesner, Hannibal.

Senator Maxwell introduced to the Senate, Chad, Gene and Chris Ledbetter, Hannibal.

Senator Jacob introduced to the Senate, nine through twelfth grade students from Douglas School, Columbia.

Senator Jacob introduced to the Senate, four through twelfth grade students from Harrisburg.

Senator Howard introduced to the Senate, Robinn Daves-Huey, Dexter; Karen Golden, Hiram; Bess Bilbrey, Williamsville; Judy Daves, Silva; Jeff and Pauline Moore, Piedmont; Bill and Eva Asher, Patterson; and Ray and Phyllis Robertson, Qulin.

Senator Rohrbach introduced to the Senate, Joyce Boudria, and twenty-eight fourth grade students from St. Elizabeth School, St. Elizabeth.

Senator Westfall introduced to the Senate, Boone Middleton, and eighth grade students from Marionville.

Senator Schneider introduced to the Senate, Betty Scheller, and students from Walker Elementary, St. Louis; and Mike Lara, Miranda Christie, Shady David and Melanie Tobin were made honorary pages.

Senator Kinder introduced to the Senate, his parents, Dr. and Mrs. James Kinder, Cape Girardeau.

Senator Klarich introduced to the Senate, Ann Reilly, Susan Davis and Girl Scout Troop 3154 from Ballwin

Elementary School, Ballwin.

Senator Wiggins introduced to the Senate, Chris Deckwitz, Berlin Germany; and David Capehart, Kansas City.

Senator Russell introduced to the Senate, Gary Murphy, David Geurin, and the Class 3A State Champion Marshfield Lady Jays High School Basketball Team, Marshfield.

Senator Scott introduced to the Senate, Mayor-elect Clarence Harmon, St. Louis.

On behalf of Senator Mathewson, the President introduced to the Senate, Bud Summers, Saline County.

Senator Childers introduced to the Senate, Tyler Laney and Jim Fhorton, Crane.

Senator Westfall introduced to the Senate, eighth grade students from Walnut Grove.

Senator Quick introduced to the Senate, Lisa Douthit, and eight fourth and sixth grade students from Oak Hill Day School, Gladstone; and Lauren Treat, Lindsey Douthit, Helen Schneider and Ryan Al-Salman were made honorary pages.

Senator Quick introduced to the Senate, Melanie Holden, and Girl Scout Troop 1516, Kansas City; and Dena Tarwater, Taylor Zink, Brooke Taylor, Laura Cantu, Katie Freuk and Kalyca Lawrence were made honorary pages.

Senator Westfall introduced to the Senate, Richard Biedler, Sarcoxie.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

FIFTIETH DAY--THURSDAY, APRIL 10, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, what others think is important to us; but even more important is what we think of ourselves. We are more concerned about what You think about us. Help us to make decisions every day that we can live with and that are pleasing in Your sight. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Howard moved that **SCR 21** be taken up for adoption, which motion prevailed.

On motion of Senator Howard, **SCR 21** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Flotron
Goode	Graves	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Ehlmann	House	Schneider--3
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Absent with leave--Senators--None

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 23**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

CONCURRENT RESOLUTIONS

Senator Goode moved that **SCR 7**, with **SCS**, be taken up for adoption, which motion prevailed.

On motion of Senator Goode, **SCS** for **SCR 7** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Senator Johnson assumed the Chair.

Senator Caskey moved that **SCR 23** be taken up for adoption, which motion prevailed.

On motion of Senator Caskey, **SCR 23** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Kinder moved that the vote by which **SS** for **SCS** for **SB 345** failed on perfection be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Clay	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick

Rohrbach	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--27	
	Nays--Senators		
Caskey	Childers	Klarich	Russell
Singleton--5			
	Absent--Senators		
Banks	Schneider--2		
	Absent with leave--Senators--None		

Senator McKenna moved that **SS** for **SCS** for **SB 345**, as amended, be declared perfected and ordered printed, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 402--Commerce and Environment.

HB 487--Civil and Criminal Jurisprudence.

HB 547--Financial and Governmental Organization.

HB 817--Elections, Pensions and Veterans' Affairs.

HB 827--Elections, Pensions and Veterans' Affairs.

REFERRALS

President Pro Tem McKenna referred **SCS** for **SB 319** and **SS** for **SB 248** to the Committee on State Budget Control.

President Pro Tem McKenna referred **HCR 13** to the Committee on Corrections and General Laws.

President Pro Tem McKenna referred **SCR 22** to the Committee on Rules, Joint Rules and Resolutions.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Cassandra C. Herrman, as a member of the Community Service Commission;

Also,

Jeannette A. Wessel, Anne G. Rottmann, Mary Louise Brown and Julie M. March, as members of the Missouri Historical Records Advisory Board;

Also,

Patricia R. Porterfield and Patricia A. Versluis, as members of the State Board of Nursing;

Also,

Loretta M. Wilcox, as a member of the Missouri Southern State College Board of Regents;

Also,

Dorothy M. Creager and Wayne K. Mueller, as members of the Board of Boiler and Pressure Vessel Rules;

Also,

Harold L. Poynter, as a member of the State Board of Optometry;

Also,

Katherine K. Wesselschmidt, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund;

Also,

R. Thomas Dunn, Jr., as a member of the Missouri Veterinary Medical Board;

Also,

Joseph D. Wrinkle, as a member of the Missouri Planning Council for Developmental Disabilities;

Also,

Nathan R. Williams, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Phillip L. Gould, Robert B. Herrmann and Thomas R. Schwetye, as members of the Seismic Safety Commission;

Also,

Jacqueline McKinsey, as a member of the Missouri Women's Council;

Also,

Brenda S. Lampton, as a member of the State Fair Commission.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 410, introduced by Representative Bray, entitled:

An Act to repeal section 177.091, RSMo 1994, relating to the sale of school property, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up by Senator Scott.

On motion of Senator Scott, **HB 410** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--McKenna--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Lybyer
McKenna--2

Absent with leave--Senators--None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for HB 356, with SCS, entitled:

An Act to repeal sections 104.103, 104.374, 104.415, 104.612, 476.450 and 476.580, RSMo 1994, and sections 104.335, 104.395, 104.515, 287.820, 476.539 and 476.601, RSMo Supp. 1996, relating to retirement of state officers and employees, and to enact in lieu thereof twelve new sections relating to the same subject.

Was taken up by Senator Scott.

President Pro Tem McKenna resumed the Chair.

SCS for HCS for HB 356, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 356

An Act to repeal sections 104.010, 104.103, 104.340, 104.350, 104.371, 104.372, 104.374, 104.401, 104.415, 104.420, 104.470, 104.490, 104.519, 104.602, 104.612, 104.620, 105.691, 287.812, 287.835, 287.845, 287.856, 476.450, 476.480, 476.520, 476.524, 476.530, 476.555, 476.580 and 476.595, RSMo 1994, and sections 104.312, 104.335, 104.342, 104.395, 104.410, 104.515, 104.517, 104.530, 104.800, 287.820, 476.515, 476.539, 476.601 and 476.690, RSMo Supp. 1996, relating to certain state retirement systems, and to enact in lieu thereof forty-three new sections relating to the same subject.

Was taken up.

Senator Scott moved that **SCS for HCS for HB 356** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS for HCS for HB 356** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall

Wiggins Yeckel--34

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SCS for **SB 263**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 263

An Act to repeal sections 660.100, 660.105, 660.110, 660.115, 660.120, 660.122, 660.125 and 660.135, RSMo 1994, and section 660.130, RSMo Supp. 1996, relating to the funding of the Missouri utilicare and related energy assistance programs, and to enact ten new sections relating to the same subject, with an emergency clause.

Was taken up by Senator Banks.

On motion of Senator Banks, **SCS** for **SB 263** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Flotron	Graves
House	Howard	Jacob	Johnson
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--26		

Nays--Senators

Childers	Ehlmann	Goode	Kenney
Kinder	Rohrbach	Russell--7	

Absent--Senators--Lybyer--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Flotron	Graves	House
Howard	Jacob	Johnson	Kinder
Mathewson	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Staples	Westfall	Wiggins	Yeckel--24

Nays--Senators

Childers	Ehlmann	Goode	Kenney
Klarich	Lybyer	Maxwell	Rohrbach
Singleton--9			

Absent--Senators--Curls--1

Absent with leave--Senators--None

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 3**, as amended, and requests the Senate to recede from its position and failing to do so, grant the

House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 4** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 5**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 6**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HJR 13 and 6**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39(a) of article III of the Constitution of Missouri, relating to bingo and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS for HCS for HB 738**, entitled:

An Act to repeal sections 565.024 and 577.023, RSMo 1994, and sections 302.302, 302.309, 302.505, 302.545, 304.012, 577.020 and 577.041, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 13**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof,

and to transfer money among certain funds, for the period beginning July 1, 1997, and ending June 30, 1998.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 17**, entitled:

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification and renovation of facility components, equipment or systems, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 19**, entitled:

An Act to authorize the commencement of certain projects to be funded from the Third State Building Fund and the Third State Building Trust Fund pursuant to Article III, Section 37(d) of the Constitution of the State of Missouri and Section 8.275 RSMo.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Schneider moved that the vote by which **SS** for **SB 271**, as amended, was perfected be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kinder	Klarich	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Schneider	Scott	Staples	Westfall
Wiggins--25			

Nays--Senators

Graves	Kenney	Mueller	Sims
Singleton	Yeckel--6		

Absent--Senators

Banks Bentley Lybyer--3

Absent with leave--Senators--None

Having voted on the prevailing side, Senator Schneider moved that the vote by which **SS** for **SB 271**, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Quick	Russell
Schneider	Scott	Sims	Staples
Westfall	Wiggins--26		

Nays--Senators

Bentley	Childers	Graves	Kenney
Mueller	Rohrbach	Singleton	Yeckel--8

Absent--Senators--None

Absent with leave--Senators--None

At the request of Senator Schneider, **SB 271**, with **SS**, as amended (pending), was placed on the Informal Calendar.

Senator Mathewson assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 271**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 271**, as amended, was again taken up.

At the request of Senator McKenna, **SS** for **SB 271**, as amended, was withdrawn.

Senator Schneider offered **SS No. 2** for **SB 271**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 271

An Act to repeal section 537.610, RSMo 1994, relating to sovereign immunity, and to enact in lieu thereof one new section relating to the same subject.

Senator Schneider moved that **SS No. 2** for **SB 271** be adopted.

Senator Quick offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 271, Page 1, Section 537.610, Line 10 of said page, by inserting after the word "dollars" the following: "**in addition to reasonable and necessary medical expenses**"; and

Further amend said bill, page and section, line 11, by striking "three" and inserting in lieu thereof the following: "**two**"; and further amend said line, by inserting after the word "dollars" the following: "**in addition to reasonable and necessary medical expenses not to exceed two hundred fifty thousand dollars**"; and

Further amend said bill and section, page 2, line 5, by inserting after the word "dollars" the following: "**in addition to reasonable and necessary medical expenses**"; and

Further amend said bill, page and section, line 6, by striking "three" and inserting in lieu thereof the following: "**two**"; and

Further amend said bill, page and section, line 7, by inserting after the word "dollars" the following: "**in addition to reasonable and necessary medical expenses not to exceed two hundred fifty thousand dollars**"; and

Further amend said bill, page and section, line 14, by inserting after the word "dollars" the following: "**in addition to reasonable and necessary medical expenses,**"; and

Further amend said bill, page and section, line 15, by placing an opening and closing bracket "[]" around the word "his" and inserting after the word "his" the following: "**the claimant's**"; and

Further amend said bill, page and section, line 21, by striking "three" and inserting in lieu thereof the following: "**two**"; and

Further amend said bill, page, section and line by inserting immediately after the word "dollars" the following: "**in addition to reasonable and necessary medical expenses not to exceed two hundred fifty thousand dollars.**"; and

Further amend said bill, Page 3, Section 537.610, Line 4, by inserting after all of said line the following:

"6. The increased amounts of liability set in this act shall be applicable only to causes of action arising on or after August 28, 1997.

7. When an award is made pursuant to this section, any amount included for reasonable and necessary medical expenses shall not be used in the calculation of an attorney's contingency fee in such case."

Senator Quick moved that the above amendment be adopted.

Senator Staples assumed the Chair.

Senator Schneider requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators House, Jacob, Kinder and Maxwell.

SA 1 was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Banks Curls--2

Absent with leave--Senators--None

Senator Kenney offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 271, Page 2, Section 537.610, Lines 22-28, by deleting all of said lines; and further amend said bill, page 3, lines 1-4, by deleting all of said lines.

Senator Kenney moved that the above amendment be adopted.

Senator Johnson resumed the Chair.

Senator Schneider offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 271, Page 2, Section 536.610, Line 28, by striking the word "calculated" and insert "determined".

Senator Schneider moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Jacob, Maxwell, Russell and Wiggins.

SSA 1 for **SA 2** was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Jacob	Johnson
Klarich	Mathewson	Maxwell	Quick
Schneider	Scott	Staples	Wiggins--16

Nays--Senators

Bentley	Childers	Flotron	Goode
Howard	Kenney	Kinder	Mueller
Rohrbach	Russell	Sims	Singleton
Westfall	Yeckel--14		

Absent--Senators

Graves	House	Lybyer--3
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Absent with leave--Senators--McKenna--1

Senator Mathewson resumed the Chair.

At the request of Senator Schneider, **SB 271**, with **SS No. 2**, as amended (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE REPORTS

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **SB 430**, with **HSA 1** for **HCA 1**, **HA 1** and **HA 2**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 430

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for Senate Bill No. 430 begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendment No. 2;
2. That the Senate recede from its position on House Substitute Amendment No. 1 for House Committee Amendment No. 1 and House Amendment No. 1; and
3. That Senate Committee Substitute for Senate Bill 430 with Conference Committee Amendment No. 1 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Harold Caskey /s/ Wayne Crump

/s/ Jim Mathewson /s/ Craig Hosmer

/s/ John E. Scott /s/ Francis Overschmidt

/s/ Sam Graves /s/ John E. Griesheimer

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 430, Page 10, Section 595.020, Line 69, by adding immediately after said line, the following:

"Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency, as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section, shall expire on August 28 of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act, is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall not take effect if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to the effective date of this act.

6. The provisions of this section shall not apply to any rules promulgated pursuant to chapter 595, RSMo.";
and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--McKenna--1

On motion of Senator Caskey, **SCS** for **SB 430**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--McKenna--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Scott--1

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

On behalf of President Pro Tem McKenna, Senator Quick made the following referrals:

HB 339--Civil and Criminal Jurisprudence.

HS for **HCS** for **HB 335**--Aging, Families and Mental Health.

THIRD READING OF SENATE BILLS

SS for **SB 208**, introduced by Senator Maxwell, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 208

An Act to repeal sections 41.435, 42.002 and 42.105, RSMo 1994, and section 173.239, RSMo Supp. 1996, relating to the Missouri national guard, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

At the request of Senator Maxwell, **SS** for **SB 208** was placed on the Informal Calendar.

SB 24, introduced by Senator Curls, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to certain health care benefits.

Was taken up.

On motion of Senator Curls, **SB 24** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--Rohrbach--1

Absent--Senators--None

Absent with leave--Senators

McKenna

Quick--2

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 374**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 592, regarding the Seventy-fifth Wedding Anniversary of Mr. and Mrs. Albert Simpson, El Dorado Springs, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, the Physician of the Day, her husband, Dr. John Bentley, Springfield.

On behalf of Senator Rohrbach and himself, Senator Russell introduced to the Senate, Kim Bechtal, and thirty-eight fourth grade students from Osage Beach School, Osage Beach.

Senator Caskey introduced to the Senate, eight students from Lowry City Christian School, Lowry City.

Senator Singleton introduced to the Senate, Tom Geeding, Brian Hinkle, Jennifer Mills, Brandon Rakes and Tabitha Rowllins, Seneca.

Senator Graves introduced to the Senate, Nan Stepp, Lois Powell, and twenty-nine fourth grade students from Tarkio Elementary School, Tarkio.

Senator Westfall introduced to the Senate, Judy Perusse and Rev. Bert and Ann Miller, Republic.

Senator Mueller introduced to the Senate, forty-five fifth grade students from Oak Hill School, St. Louis; and Sarah Mickes, Colin Dowling, Megan Strout and Jonathan Tirjan were made honorary pages.

Senator Schneider introduced to the Senate, students from Gibson Elementary School, St. Louis; and Shan'e Cushshon, Tykita Fondren, Jajuan Hicks and Josh Campbell were made honorary pages.

Senator Mathewson introduced to the Senate, Cindy Woolfston, Beverly Newson, and twenty-five ninth grade

students from Brunswick High School, Brunswick; and Misty Hawkins, Jerri Jo Myers, Kathleen Ostermann and Timothy Gorman were made honorary pages.

Senator Yeckel introduced to the Senate, Joan Wiese and seventy 4th grade students from Trautwein Elementary School, St. Louis; and David Bender, Marissa Burkemper, Sarah Birchfield and Daniel Rasch were made honorary pages.

On motion of Senator Johnson, the Senate adjourned until 3:00 p.m., Monday, April 14, 1997.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIRST DAY--MONDAY, APRIL 14, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we know that without hope, there is no real meaning in life. We have hope that what we do here will make a difference. We have hope that our lives, our deeds, the bills we pass and laws we make will be a part of the solution and not a part of the problem. We pray for guidance that our hope will give way to assurance. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 10, 1997, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators

Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

On behalf of Senator Scott, Senator Quick offered Senate Resolution No. 593, regarding the Eighty-sixth Birthday of Maggie Guida, Lakeville, Pennsylvania, which was adopted.

Senator Ehlmann offered Senate Resolution No. 594, regarding Judith A. Schwartz and Traecy A. Warford, which was adopted.

Senator Ehlmann offered Senate Resolution No. 595, regarding Brian Benton, which was adopted.

Senator Ehlmann offered Senate Resolution No. 596, regarding Steven W. Hurst, which was adopted.

Senator Ehlmann offered Senate Resolution No. 597, regarding David A. Bennett, which was adopted.

Senator Ehlmann offered Senate Resolution No. 598, regarding Elizabeth H. Burrows, which was adopted.

Senator Ehlmann offered Senate Resolution No. 599, regarding Max Penberthy, which was adopted.

Senator Ehlmann offered Senate Resolution No. 600, regarding the Baue Funeral Home, which was adopted.

Senator House offered Senate Resolution No. 601, regarding the Church of the Nazarene, Bowling Green, which was adopted.

Senator Howard offered Senate Resolution No. 602, regarding the Faculty of Gideon High School, which was adopted.

Senator Howard offered Senate Resolution No. 603, regarding Nathan Alexander, Poplar Bluff, which was adopted.

Senator Mathewson offered Senate Resolution No. 604, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Maple, Sedalia, which was adopted.

Senator Flotron offered Senate Resolution No. 605, regarding Brian C. Lewis, which was adopted.

Senator Mueller offered Senate Resolution No. 606, regarding Ellie Grosshaus, which was adopted.

Senator Rohrbach offered Senate Resolution No. 607, regarding Wanita Humphrey, Waynesville, which was adopted.

Senator Bentley offered Senate Resolution No. 608, regarding "Take Our Daughters to Work Day", which was adopted.

Senator Schneider offered Senate Resolution No. 609, regarding the Honorable Ellis Gregory, Jr., Clayton, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 783**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 773**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 124**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 769**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 348**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HB 438**, begs leave to report that it has considered the same and recommends that the bill do pass and placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 700**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following reports:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 761**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 734**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 734, Page 1, In the Title, Line 3, by striking the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, In the Title, Line 3, by inserting after the word "subject" the following: ", with an emergency clause"; and

Further amend said bill, Page 1, Section A, Line 1, by striking the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the following: "section 115.121" and inserting in lieu thereof the following: "sections 115.121 and 1"; and

Further amend said bill, Page 1, Section 115.121, Line 7, by inserting immediately after all of said line the following:

"Section 1. The provisions of section 115.123, RSMo, to the contrary notwithstanding, any county, city, town or village may hold an election on the first Tuesday after the first Monday in August, 1997.

Section B. Because immediate action is necessary for voters to exercise their voting rights, section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 712**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 712, Page 1, Section 115.300, Line 2, by striking the following: "[may] shall" and inserting in lieu thereof the following: "may".

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 612**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 590**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 543**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 526**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 526, Page 1, Section 130.041, Line 4, by striking the word "county" and inserting in lieu thereof the following: "**political party**"; and further amend said line, by striking the following: "two thousand five hundred" and inserting in lieu thereof the following: "**one thousand**".

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 482**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 482, Page 4, Section 169.040, Lines 45-46, by striking the following: "another method has

been determined by the board to be appropriate" and inserting in lieu thereof the following: "**the recipient objects**"; and

Further amend said bill, Page 21, Section 169.630, Lines 33-34, by striking the following: "another method has been determined by the board to be appropriate" and inserting in lieu thereof the following: "**the recipient objects**".

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 169**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **SB 430** and requests a further conference on **SCS** for **SB 430**, as amended.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate grant the House further conference on **SCS** for **SB 430**, with **HSA 1** for **HCA 1**, **HA 1** and **HA 2**, which motion prevailed.

Senator Johnson assumed the Chair.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 430**, with **HSA 1** for **HCA 1**, **HA 1** and **HA 2**: Senators Caskey, Scott, Mathewson, Klarich and Graves.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 3, 1997 for your advice and consent.

Debra A. Dorshorst, B.S.R.T., Democrat, 2018 S. Oak Grove, Springfield, Greene County, Missouri 65804, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2000, and until her successor is duly appointed and qualified; vice, RSMo 334.830.

Most Sincerely,

MEL CARNAHAN

Governor

President Pro Tem McKenna moved that the above appointment be returned to the Governor, pursuant to his request,

which motion prevailed.

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Donald E. Clark, D.P.M. for the State Board of Podiatric Medicine, submitted to you on March 27, 1997. Line 1 should be amended to read:

Donald E. Clark, D.P.M., Republican, 212 North Connor, Joplin, Jasper

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Krikor O. Partamian for the Missouri Western State College Board of Regents, submitted to you on March 20, 1997. Line 1 should be amended to read:

Krikor O. Partamian, M.D., Democrat, 33 Court Drive, St. Joseph,

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gary Ball, 1922 South Circle Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William E. Hickie, 904 Southview, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lisa M. Boone, Democrat, 310 East 67th Street, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nell M. Pollnow, Republican, 16210 Wilson View Estates Drive, Chesterfield, St. Louis County, Missouri 63005, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rose C. Brower, Republican, 6260 Westway Place, St. Louis City, Missouri 63109, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda S. Tarpley, Democrat, 455 East 81st Street, Kansas City, Jackson County, Missouri 64131, as Chair of the Kansas City Board of Election

Commissioners, for a term ending January 1, 2001, and until her successor is duly appointed and qualified; vice, Sally Tranin, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Patricia A. Garney, Republican, 4200 North Hickory Lane, Kansas City, Clay County, Missouri 64116, as a member of the Missouri Women's Council, for a term ending December 6, 1999, and until her successor is duly appointed and qualified; vice, Katherine (Casey) Eike, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James Bradford Willett, Democrat, 8557 County Road 418, Hannibal, Marion County, Missouri 63401, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roy C. Wilson, M.D., 1502 Rehagen, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gretchen Godar Myers, Democrat, 814 Stable Ridge Lane, Kirkwood, St. Louis County, Missouri 63122, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2002, and until her successor is duly appointed and qualified; vice, William Kimme, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Vetta L. Sanders Thompson, Democrat, 9900 Martingale, Bellefontaine Neighbors, St. Louis County, Missouri 63137, as the public member on the Missouri Board for Respiratory Care, for a term ending April 3, 1999, and until her successor is duly appointed and qualified; vice, RSMo 334.830.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Oswald L. Thomas, D.D.S., 7151 Olive Street Road, University City, St. Louis County, Missouri 63130, as a member of the Missouri Dental Board, for a term ending October 16, 2001, and until his successor is duly appointed and qualified; vice, Charles D. Fuszner, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles D. Fuszner, D.M.D., 416 Hawbrook Court, Kirkwood, St. Louis County, Missouri 63122, as a member of the Missouri Dental Board, for a term ending October 16, 1998, and until his successor is duly appointed and qualified; vice, Sere S. Myers, Jr., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above addendums and appointments to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 13--Appropriations.

HB 17--Appropriations.

HB 19--Appropriations.

THIRD READING OF SENATE BILLS

Senator Maxwell moved that **SS** for **SB 208** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SB 208** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28

Nays--Senators

Rohrbach--1

Absent--Senators

Curls	Graves	Klarich	Schneider--4
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Absent with leave--Senators

Scott--1

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 176, introduced by Senator Maxwell, entitled:

An Act to amend chapter 644, RSMo, by adding one new section relating to the authorization of additional state bonds.

Was taken up.

On motion of Senator Maxwell, **SB 176** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Russell	Schneider
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators

Rohrbach--1

Absent--Senators

Curls

Graves--2

Absent with leave--Senators

Scott--1

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 6, introduced by Senator Wiggins, entitled:

An Act to repeal sections 400.1-105, 400.1-206, 400.2-512, 400.4-104, 400.5-102, 400.5-103, 400.5-104, 400.5-105, 400.5-106, 400.5-107, 400.5-108, 400.5-109, 400.5-110, 400.5-111, 400.5-112, 400.5-113, 400.5-114, 400.5-115, 400.5-116, 400.5-117, 400.8-102, 400.8-103, 400.8-104, 400.8-105, 400.8-106, 400.8-107, 400.8-108, 400.8-109, 400.8-201, 400.8-202, 400.8-203, 400.8-204, 400.8-205, 400.8-206, 400.8-207, 400.8-208, 400.8-301, 400.8-302, 400.8-303, 400.8-304, 400.8-305, 400.8-306, 400.8-307, 400.8-308, 400.8-309, 400.8-310, 400.8-311, 400.8-312, 400.8-313, 400.8-314, 400.8-315, 400.8-316, 400.8-317, 400.8-318, 400.8-319, 400.8-320, 400.8-321, 400.8-401, 400.8-402, 400.8-403, 400.8-404, 400.8-405, 400.8-406, 400.8-407, 400.8-408, 400.9-103, 400.9-104, 400.9-105, 400.9-106, 400.9-203, 400.9-301, 400.9-302, 400.9-303, 400.9-304, 400.9-305, 400.9-309 and 400.9-312, RSMo 1994, and sections 400.9-306 and 400.9-402, RSMo Supp. 1996, relating to the uniform commercial code, and to enact in lieu thereof eighty-seven new sections relating to the same subject.

Was taken up.

President Pro Tem McKenna resumed the Chair.

On motion of Senator Wiggins, **SB 6** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Curls Graves--2

Absent with leave--Senators

Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SCS for **SB 79**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 79

An Act to amend chapter 265, RSMo, relating to agricultural products, by adding eleven new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up by Senator Howard.

Senator Howard moved that **SCS** for **SB 79** be read the 3rd time and finally passed.

At the request of Senator Howard, the motion for 3rd reading was withdrawn.

At the request of Senator Howard, **SCS** for **SB 79** was placed on the Informal Calendar.

Senator Quick announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

Senator Mathewson requested unanimous consent of the Senate to suspend the rules to allow the Superintendent of

the Highway Patrol and the Superintendent of the Water Patrol into the Senate Chamber, which request was granted.

RESOLUTIONS

Senators Rohrbach, Mathewson and Russell offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 610

WHEREAS, the members of the Missouri Senate regard this state's law enforcement officers as an exceptionally dedicated group of professionals who continually serve as models of courage, efficiency, and effectiveness for their fellow officers across the nation; and

WHEREAS, law enforcement officers of the Missouri Highway Patrol, the Missouri Water Patrol, and various local sheriff departments and city police agencies recently brought to a successful conclusion one of the longest and most widely-covered manhunts in Missouri history; and

WHEREAS, on April 7, 1997, triple-murder suspect Alis Ben Johns, a skilled woodsman who had eluded police for five and a half months, was captured at a hunting cabin near Cole Camp, Missouri, where he was shot in the abdomen while attempting to use his girlfriend, Beverly Guehrer-McComb, as a shield; and

WHEREAS, the manhunt for Alis Ben Johns began on October 1, 1996, when the Pulaski County Sheriff and his deputies began a county-wide search for Johns as a suspect in the September 30 murder of Thomas Stewart of Dixon, Missouri, who was found dead of multiple gunshot wounds; and

WHEREAS, the search for Alis Ben Johns intensified after February 28, 1997, when Richland farmer Leonard Voyles was found murdered, and following the discovery of the shooting death of Newton County resident Wilma Bragg on March 10, the FBI and Missouri Highway Patrol joined authorities from three counties in the search for Mr. Johns, whom they suspected in all three homicides; and

WHEREAS, shortly before Alis Ben Johns was captured, members of the Missouri National Guard's 1139th military police company were activated to join law enforcement officers in the massive manhunt; and

WHEREAS, skill, expertise, and outstanding leadership contributed to the success of this dangerous mission, during which not one of the more than three hundred officers had sustained injury:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, hereby join unanimously in applauding all the dedicated law enforcement officers involved with the successful capture of Alis Ben Johns and Beverly Guehrer-McComb for their admirable efforts in risking their own lives to ensure the safety and well-being of the public, including the officers of the Benton County Sheriff's Department; the Missouri State Highway Patrol; and the Missouri State Water Patrol; and the members of the 1139th Military Police Company of the Missouri National Guard; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Missouri State Water Patrol officers Erik A. Gottman and Captain Bill Swineburg, Benton County Sheriff Glenn Spencer, the Missouri State Water Patrol, the Missouri State Highway Patrol, and the Missouri National Guard's 1139th Military Police Company.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **SB 430**: Representatives: Crump, Hosmer, Overschmidt, Townley, Griesheimer.

CONFERENCE COMMITTEE REPORTS

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **SB 430**, with **HSA 1** for **HCA 1**, **HA 1** and **HA 2**, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2 ON SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 430

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Committee Substitute for Senate Bill 430 with House Substitute Amendment No. 1 for House Committee Amendment No. 1 and House Amendments No. 1 and No. 2, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendment No. 2;
2. That the Senate recede from its position on House Substitute Amendment No. 1 for House Committee Amendment No. 1 and House Amendment No. 1;
3. That the attached Conference Committee Amendment No. 1 be adopted; and
4. That Senate Committee Substitute for Senate Bill 430 with House Substitute Amendment No. 1 for House Committee Amendment No. 1, House Amendment No. 1 and Conference Committee Amendment No. 1 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Harold L. Caskey /s/ Wayne Crump

/s/ Jim Mathewson /s/ Craig Hosmer

John E. Scott /s/ Francis Overschmidt

/s/ Sam Graves /s/ John E. Griesheimer

/s/ David Klarich Merrill Townley

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 430, Page 10, Section 595.020, Line 69, by adding immediately after said line, the following:

"Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency, as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section, shall expire on August 28 of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act, is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall not take effect if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to the effective date of this act.

6. The provisions of this section shall not apply to any rules promulgated pursuant to chapter 595, RSMo.";
and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Banks--1

Absent with leave--Senators

Scott--1

On motion of Senator Caskey, **SCS** for **SB 430**, as amended by the conference committee report no. 2, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Banks Staples--2

Absent with leave--Senators

Scott--1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Banks Bentley--2

Absent with leave--Senators

Scott--1

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SS for **SB 22**, introduced by Senator Lybyer, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 22

An Act to repeal sections 178.420 and 178.635, RSMo Supp. 1996, relating to Linn State Technical College, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Lybyer, **SS** for **SB 22** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 264, introduced by Senator Caskey, entitled:

An Act to repeal section 178.930, RSMo 1994, relating to sheltered workshops, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Caskey, **SB 264** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators

Rohrbach--1

Absent--Senators

Banks--1

Absent with leave--Senators

Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 327**, introduced by Senator Sims, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 327

An Act to amend chapter 355, RSMo, by adding thereto eleven new sections relating to transfers of assets by nonprofit hospitals, with an emergency clause.

Was taken up.

On motion of Senator Sims, **SS** for **SCS** for **SB 327** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Staples--1

Absent with leave--Senators

Scott--1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Staples--1

Absent with leave--Senators

Scott--1

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 271**, with **SS No. 2**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 2 for **SB 271**, as amended, was again taken up.

Senator Flotron offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 271, Page 3, Section 536.610, Line 7 of said page, by inserting immediately after said line the following:

"7. In the event a final judgment is rendered by a court which judgment determines that any provision of this act taking effect on or after August 28, 1997, constitutes a new activity or service or increase in the level of an activity or service beyond that required by existing law pursuant to article X, section 21 of the Missouri constitution, or any successor to that section, such provision shall be void ab initio."

Senator Flotron moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Flotron offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Bill No. 271, Page 3, Section 536.610, Line 7 of said page, by inserting immediately after said line the following:

"7. Notwithstanding any other provisions of sections 537.600 to 537.650, the rules of joint and several liability as set out in section 537.067 shall not apply to the state, its public entities and their employees, agents, servants and representatives on claims within the scope of sections 537.600 to 537.650, but the state, its public entities and their employees, agents, servants and representatives shall be liable only for any amounts apportioned to them and directly attributable to them."

Senator Flotron moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Bill No. 271, Page 3, Section 536.610, Line 7, by inserting after said line the following:

"7. The rules of joint and several liability shall be applicable as provided in Section 537.067 including provisions for contribution between tort- feorsors."

Senator Schneider moved that the above substitute amendment be adopted.

Senator Flotron offered **SA 1** to **SSA 1** for **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 4 to Senate Substitute No. 2 for Senate Bill No. 271, Page 1, Section 536.610, Line 4, by adding after the word "shall" the word "not".

Senator Flotron moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 1** to **SSA 1** for **SA 4** is out of order in that the amendment is in the third degree.

President Pro Tem McKenna ruled the point of order not well taken.

Senator Jacob raised the point of order that **SA 1** to **SSA 1** for **SA 4** is out of order in that it turns a positive into a negative.

President Pro Tem McKenna ruled the point of order not well taken.

Senator Flotron moved that **SA 1** to **SSA 1** for **SA 4** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Mueller, Sims and Kinder.

SA 1 to **SSA 1** for **SA 4** failed of adoption by the following vote:

Yeas--Senators

Bentley	Childers	Flotron	Goode
Graves	Howard	Kenney	Kinder
Mueller	Rohrbach	Russell	Sims
Singleton	Westfall	Yeckel--15	

Nays--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	House	Jacob
Johnson	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Quick	Schneider
Staples	Wiggins--18		

Absent--Senators--None

Absent with leave--Senators

Scott--1

Senator Schneider moved that **SSA 1** for **SA 4** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Wiggins, House, Russell and Caskey.

SSA 1 for **SA 4** failed of adoption by the following vote:

Yeas--Senators

Banks	Caskey	Curls	DePasco
House	Jacob	Johnson	Klarich

Lybyer	Mathewson	Maxwell	McKenna
Quick	Schneider	Staples	Wiggins--16

Nays--Senators

Bentley	Childers	Clay	Ehlmann
Flotron	Goode	Graves	Howard
Kenney	Kinder	Mueller	Rohrbach
Russell	Sims	Singleton	Westfall

Yeckel--17

Absent--Senators--None

Absent with leave--Senators

Scott--1

SA 4 was again taken up.

Senator Flotron moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Sims, Mueller, Kinder and Bentley.

SA 4 failed of adoption by the following vote:

Yeas--Senators

Bentley	Childers	Flotron	Goode
Graves	Howard	Kenney	Kinder
Mueller	Rohrbach	Russell	Sims
Singleton	Staples	Westfall	Yeckel--16

Nays--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	House	Jacob
Johnson	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Quick	Schneider

Wiggins--17

Absent--Senators--None

Absent with leave--Senators

Scott--1

Senator Childers offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Bill No. 271, Page 3, Section 537.610, Line 7, by adding: "**Any party which is not successful in bringing suit involving the sovereign immunity of the state and its public entities shall pay the reasonable expenses of the prevailing party.**".

Senator Childers moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Graves, Kenney, Kinder and Mueller.

SA 5 failed of adoption by the following vote:

Yeas--Senators

Bentley	Childers	Flotron	Graves
Howard	Kenney	Kinder	Mueller
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Westfall	Yeckel--16

Nays--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Goode	House
Jacob	Johnson	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Schneider
Wiggins--17			

Absent--Senators--None

Absent with leave--Senators

Scott--1

Senator Kenney offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Bill No. 271, Page 2, Section 537.610, Line 22, by deleting lines 22 through and including the word "be" on line 28; and

Further amend said bill, same page, by deleting from and including the word "by" on line 28 through and including line 4 on page 3.

Senator Kenney moved that the above amendment be adopted.

Senator Staples raised the point of order that **SA 6** is out of order in that it attempts to amend previously amended material.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 6 was again taken up.

At the request of Senator Schneider, **SB 271**, with **SS No. 2**, as amended, and **SA 6** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SCS** for **SB 430** and has taken up and passed **SCS** for **SB 430** as amended by the conference committee report no. 2.

Emergency clause adopted.

Bill ordered enrolled.

President Pro Tem McKenna resumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 430**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SB 345**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 430**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 626**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 622**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 622, Page 1, Section 376.562, Line 3, by inserting after the word "**enforce**" the following: ", **in the absence of any fraud or coercion**"; and

Further amend said bill, Page 2, Section 377.080, Line 10, by inserting after the word "**if**" the following: ", **in the absence of any fraud or coercion**"; and

Further amend said bill, Page 2, Section 377.310, Line 12, by inserting after the word "**if**" the following: ", **in the absence of any fraud or coercion**".

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 319**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 793**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 386**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Joint Committee on Administrative Rules, submitted a report from the Committee regarding the Department of Natural Resources and 10 CSR 80-2.013 Public Participation, Solid Waste Management. A full copy of the report is on file in the Secretary of Senate's office.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 107**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 659**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 655**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **HB 59**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 265**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 250**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 250, Page 1, Section 355.316, Line 2, by striking the words "a board of curators"; and

Further amend said bill, page 1, section 355.316, line 4, by inserting immediately after said line the following:

"3. Any corporation established pursuant to this chapter before the effective date of this act may use the term "board of curators" as the name of the not for profit corporation's board of directors."

Also,

Mr. President: Your Committee on Education, to which was referred **HB 663**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 797**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 797, Page 2, Section 171.033, Line 15, by inserting immediately after the word "district" the following: **"in which schools are in session for twelve months of each calendar year"**.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 604**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 521**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 521, Page 1, In the Title, Line 2, by inserting immediately after the number "162.191," the number "162.203,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "three" and inserting in lieu thereof the word "four"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after the number "162.191," the number "162.203,"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting all of said line and inserting in lieu thereof the following: "and four new sections enacted in lieu thereof, to be known as sections 162.191, 162.203, 162.223 and"; and

Further amend said bill, Page 2, Section 162.191, Line 13, by inserting after all of said line the following:

"162.203. 1. Board members initially elected or appointed under section 162.291, 162.459, 162.471, or 162.581 after August 28, 1993, in addition to the qualifications prescribed in those sections, shall successfully complete orientation and training requirements within one year of the date of the election or appointment. The orientation and training shall consist of at least sixteen hours with the cost of such training to be paid by the district.

2. All programs providing the orientation and training required under the provisions of this section shall be offered by a statewide association organized for the benefit of members of boards of education [or] **and** be approved by the state board of education."

CONCURRENT RESOLUTIONS

Senators Schneider and Maxwell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 24

To suspend and revoke CSR 80-2.013

WHEREAS, The Department of Natural Resources filed notice of proposed rulemaking for 10 CSR 80-2.013 on October 10, 1996, and filed the order of rulemaking with the Committee on Administrative Rules on March 24, 1997 with notice of intent to file with the Secretary of State on April 23, 1997.

WHEREAS, the proposed rule requires an applicant for a solid waste disposal permit to conduct two separated public meetings known as "public awareness and community involvement session" at an estimated cost of \$10,000 to the applicant.

WHEREAS, Sections 260.200 to 260.241 specifies the requirements for an application for a permit which not only does not require the applicant to conduct public meetings but rather requires the Department to hold such public hearings; and,

WHEREAS, the sole authority delegated to the Department to propose rules is specifically limited in Section 260.225. 1. (3) to "such rules and regulations relating to solid waste management systems"; and,

WHEREAS, the General Assembly has not delegated any rulemaking authority to the Department concerning the requirements for the application for a permit, but rather, the General Assembly has preempted the requirements for the application process which does not include the holding of public sessions and the attendant cost related thereto; and,

WHEREAS, the Committee on Administrative Rules has found that the Department has exceeded its rulemaking authority and recommends that the General Assembly act to permanently suspend and/or revoke 10 CSR 80-2.013

NOW THEREFORE, the General Assembly finds that:

1. 10 CSR 80-2.013 relates to the permit application process and purports to add additional requirements that are not provided in Sections 260.200 to 260.241; and;

2. The General Assembly has preempted the application process and has specified all of the requirements for obtaining a permit; and,

3. The Department has no authority to increase the requirements for obtaining a permit;

4. Section 260.225 limits the authority of the Department to issue rules to those rules related to the solid waste management systems and no authority has been delegated to the department to issue rules which create additional, substantive requirements necessary to apply for a permit.

NOW THEREFORE, The 89th General Assembly, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently suspends and revokes 10 CSR 80-2.013; and,

BE IT FURTHER RESOLVED that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation as provided in Chapter 536.024; and,

FURTHER, that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 338**, entitled:

An Act relating to certain telecommunications services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 369**, entitled:

An Act to repeal sections 400.1-105, 400.1-206, 400.2-512, 400.4-104, 400.5-102, 400.5-103, 400.5-104, 400.5-105, 400.5-106, 400.5-107, 400.5-108, 400.5-109, 400.5-110, 400.5-111, 400.5-112, 400.5-113, 400.5-114, 400.5-115, 400.5-116, 400.5-117, 400.8-102, 400.8-103, 400.8-104, 400.8-105, 400.8-106, 400.8-107, 400.8-108, 400.8-109, 400.8-201, 400.8-202, 400.8-203, 400.8-204, 400.8-205, 400.8-206, 400.8-207, 400.8-208, 400.8-301, 400.8-302, 400.8-303, 400.8-304, 400.8-305, 400.8-306, 400.8-307, 400.8-308, 400.8-309, 400.8-310, 400.8-311, 400.8-312, 400.8-313, 400.8-314, 400.8-315, 400.8-316, 400.8-317, 400.8-318, 400.8-319, 400.8-320, 400.8-321, 400.8-401, 400.8-402, 400.8-403, 400.8-404, 400.8-405, 400.8-406, 400.8-407, 400.8-408, 400.9-103, 400.9-104, 400.9-105, 400.9-106, 400.9-203, 400.9-301, 400.9-302, 400.9-303, 400.9-304, 400.9-305, 400.9-309 and 400.9-312, RSMo 1994, and sections 400.9-306 and 400.9-402, RSMo Supp. 1996, relating to the uniform commercial code, and to enact in lieu thereof eighty-seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 660**, entitled:

An Act to repeal sections 9.010 and 36.350, RSMo 1994, relating to public employees, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 304**, entitled:

An Act to repeal sections 578.151, 578.152 and 578.153, RSMo 1994, relating to interference with lawful hunting and trapping, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 766**, entitled:

An Act to repeal sections 30.260, 30.300 and 30.350, RSMo 1994, relating to the state treasurer, and to enact in lieu thereof eleven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 69** and **179**, entitled:

An Act to repeal section 70.820 and 544.170, RSMo 1994, relating to peace officers' arrest powers, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 276**, entitled:

An Act relating to amusement ride safety, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 787**, entitled:

An Act to repeal sections 160.011 and 160.021, RSMo 1994, relating to public schools, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 831**, entitled:

An Act to repeal section 89.320, RSMo 1994, relating to planning commissions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 19**.

HOUSE CONCURRENT RESOLUTION NO.19

WHEREAS, the members of the Missouri General Assembly always deem it proper and necessary to remember those service men and women who have faithfully answered our nation's call to arms in times of crisis; and

WHEREAS, April 28, 1997, marks the 53rd Anniversary of "Exercise Tiger", one of World War II's most tragic and most historically significant naval battles, and one that has been largely forgotten; and

WHEREAS, though planned as a practice mission for the D-Day Invasion of the Normandy coast, Exercise Tiger resulted in the highest casualty toll of the war to that point for American forces; and

WHEREAS, the unexpected and overwhelming attack of enemy ships on the minimally prepared and unescorted group of LST's in the T-4 Convoy, in the early morning hours of April 28, 1944, ended in the death of 749 U.S. troops of those, 198 sailors, 551 soldiers of which 196 were from Missouri's 3206th Quarter Master Service Company, as well as injuries to hundreds more, but provided valuable lessons that contributed to the success of the historic D-Day Invasion and thus to the outcome of World War II; and

WHEREAS, on April 28, 1997, the Veterans of Foreign Wars Post 280 and the Missouri Exercise Tiger Association will host a special ceremony to commemorate the 53rd Anniversary of Exercise Tiger, the first such ceremony to be held in the state of Missouri by a VFW post to officially honor this forgotten World War II battle; and

WHEREAS, the upcoming VFW Post 280 ceremony is in keeping with the annual Exercise Tiger ceremony recognized by the Department of Defense, which traditionally honors the U.S. Army soldiers and U.S. Navy sailors of operation "Exercise Tiger":

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby join unanimously in supporting and honoring the 53rd Anniversary of Exercise Tiger hosted by the Veterans of Foreign Wars Post 280 and the Missouri Exercise Tiger Association, and further call upon the people of Missouri and all Americans to join in observing this event in recognition of those forgotten individuals who have made the supreme sacrifice to ensure the continued freedom and prosperity of this nation; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for presentation during the upcoming 53rd Anniversary of Exercise Tiger.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 611, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wendell Roberts, Burlington Junction, which was adopted.

Senator Graves offered Senate Resolution No. 612, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald W. Jennings, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 613, regarding the Fortieth Wedding Anniversary of Mr. and Mrs.

C.S. "Bud" Jones, Chillicothe, which was adopted.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SB 430**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

INTRODUCTIONS OF GUESTS

On behalf of Senator Quick and himself, Senator Johnson introduced to the Senate, members of the KCI/Northland Chamber of Commerce.

Senator Childers introduced to the Senate, Roland "Pig" Paul, and his wife, Donna, Willow Springs.

Senator Caskey introduced to the Senate, Gene Pogue and Joe Simons, Clinton.

On behalf of Senator Ehlmann and himself, Senator House introduced to the Senate, Carl Bearden and Doug Funderburk, St. Charles County.

Senator Mathewson introduced to the Senate, Russell Dehn and Richard Pemberton, Marshall; and Larry Wilson and Jim Ellis, Sedalia.

On behalf of Senator McKenna, the President introduced to the Senate, Col. Larry Whitten, Capt. Swineburg and Patrolman Eric Gottman, Missouri State Water Patrol; and Col. Fred Mills, Lt. Col. Wilhoit and Major Brooks, Missouri State Highway Patrol.

Senator Klarich introduced to the Senate, Ron and Sally Skiles, Tom and Charlotte Boyer and Vern Tobben, Washington County; and Heinz Georg and Anna Marie Keppler, Marbach, Germany.

Senator Staples introduced to the Senate, Dennis Huck, Linda Hermann and Jeffrey Roth, Ste. Genevieve; and Janet Jackson and Cathy Duncan, Carter County.

Senator Russell introduced to the Senate, Leo Dowden, Frank Bolt and Tony Dugger, Wright County.

Senator Caskey introduced to the Senate, Jon H. Seabaugh and Brian A. Mills, Cass County.

Senator Caskey introduced to the Senate, Shirley Coonrod, Warrensburg.

Senator Lybyer introduced to the Senate, Randy Verkamp and Carol Green, Phelps County.

Senator Maxwell introduced to the Senate, Dick and Gaytha Webber.

Senator Howard introduced to the Senate, June and Wendy Chen, Dexter; Marifloyd Wright, Kennett; and Sarah Robinson, Holcomb; and Wendy, Marifloyd and Sarah were made honorary pages.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SECOND DAY--TUESDAY, APRIL 15, 1997

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

Senator Mueller offered the following prayer:

Dear Heavenly Father, we thank You for the blessings You have given our nation. We thank You for the wonders of freedom and the opportunities to live our lives in peace. This is the day we become ever so aware of the material costs necessary to support our government. 1040 forms must be filed by midnight tonight so that our way of government may be saved. Let us be mindful of the cost Your Son paid for our lives. Not with gold or silver but with his precious blood, that through Him, our lives may be saved. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators

Clay	Scott--2
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President Pro Tem McKenna assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Quick moved that **HCR 12** be taken up for adoption, which motion prevailed.

On motion of Senator Quick, **HCR 12** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Westfall	Wiggins	Yeckel--27	

Nays--Senators--None

Absent--Senators

Curls	Goode	Jacob	Maxwell
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Staples--5

Absent with leave--Senators

Clay	Scott--2
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SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 449**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Quick, **SB 449**, as amended, was declared perfected and ordered printed.

Senator Mueller moved that **SB 173** be taken up for perfection, which motion prevailed.

Senator Klarich offered **SS** for **SB 173**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 173

An Act to amend chapter 537, RSMo, by adding one new section relating to claims against certain licensed professionals.

Senator Klarich moved that **SS** for **SB 173** be adopted.

Senator Childers offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 173, Page 2, Section 537.800, Line 14, by inserting after said line the following:

"7. The provisions of this section shall not apply to actions filed in small claims court pursuant to chapter 482, RSMo."

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Klarich moved that **SS** for **SB 173**, as amended, be adopted, which motion prevailed.

On motion of Senator Mueller, **SS** for **SB 173**, as amended, was declared perfected and ordered printed.

Senator Kinder moved that **SB 49, SB 213, SB 130, SB 32, SB 235** and **SB 221**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 49, 213, 130, 32, 235** and **221**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 49, 213, 130, 32, 235 and 221

An Act to repeal sections 70.820, 252.085 and 575.010, RSMo 1994, and section 571.030, RSMo Supp. 1996, relating to criminal procedure, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Kinder moved that **SCS** for **SBs 49, 213, 130, 32, 235** and **221** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 49, 213, 130, 32, 235 and 221, Page 4, Section 252.085, Line 39, by inserting immediately after said line the following:

"565.082. 1. A person commits the crime of assault of a law enforcement officer in the second degree if [he] **such person:**

(1) Attempts to cause or knowingly causes physical injury to a law enforcement officer by means of a deadly weapon or dangerous instrument;

(2) Recklessly causes serious physical injury to a law enforcement officer; [or]

(3) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury to a law enforcement officer[.]; **or**

(4) Knowingly attempts, by means of force, to take any deadly weapon from the possession of a law enforcement officer.

2. Assault of a law enforcement officer in the second degree is a class B felony."; and

Further amend said bill, page 8, section 575.010, line 34, by inserting immediately after said line the following:

"575.330. 1. A person is guilty of evading a peace officer if such person:

- (1) Is operating a motor vehicle;**
- (2) Is directed to bring the motor vehicle to a stop by:**
 - (a) A verbal direction of a peace officer;**
 - (b) The activation of emergency lights or siren or both of a police vehicle; or**
 - (c) A peace officer conducted roadblock; and**
- (3) Takes deliberate actions to avoid being stopped by a peace officer.**

2. Evading a peace officer is a class C felony if:

- (1) The purpose of the evasion is to avoid the detection of a felony act;**
- (2) The purpose of the evasion is to avoid a felony arrest;**
- (3) In the act of evasion, such person causes property damage to another;**
- (4) In the act of evasion, such person causes physical injury to another person;**
- (5) In the act of evasion, such person commits three or more traffic violations;**
- (6) Such person has one or more prior convictions for evading a peace officer; or**
- (7) Such evasion is committed in an intoxicated condition or under the influence of a controlled substance.**

3. Evading a peace officer is a class A misdemeanor if:

- (1) The purpose of the evasion is to avoid the detection of a misdemeanor act; or**
- (2) The purpose of the evasion is to avoid a misdemeanor arrest."; and**

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 49, 213, 130, 32, 235 and 221, Page 9, Section 577.068, Line 26, by inserting immediately after said line the following:

"590.105. 1. A program of mandatory standards for the basic training and certification of peace officers and a program of optional standards for the basic training and certification of reserve officers in this state is hereby established. The peace officer standards and training commission shall establish the minimum number of hours of training and core curriculum. In no event, however, shall the commission require more than one thousand hours of such training for either peace or reserve officers employed by any state law enforcement agency, or more than six hundred hours of such training for other peace or reserve officers; provided, however, that the minimum hours of training shall be no lower than the following:

- (1) One hundred twenty hours as of August 28, 1993;**
- (2) Three hundred hours as of August 28, 1994; and**

(3) Four hundred seventy hours as of August 28, 1996. The higher standards provided in this section for certification after August 28, 1993, shall not apply to any peace or reserve officer certified prior to August 28, 1993, or to deputies of any sheriff's department in any city not within a county requiring no more or less than one hundred twenty hours of training. Certified peace and reserve officers between January 1, 1992, and August 28, 1995, shall only meet the hours of training applicable to the year in which the officer was employed or appointed.

2. Beginning on August 28, 1996, peace officers shall be required to complete the four hundred fifty hours of training as peace officers and be certified to be eligible for employment. Park rangers appointed pursuant to section 64.335, RSMo, who do not carry firearms shall be exempt from the training requirements of this section.

3. Bailiffs who are not certified peace officers shall be required to complete a minimum of sixty hours of mandated training, except that any person who has served as a bailiff prior to January 1, 1995, shall not be required to complete the training requirements mandated by this subsection, provided such person's training or experience is deemed adequate by the peace officer standards and training commission in accordance with current standards.

4. All political subdivisions within this state may adopt standards which are higher than the minimum standards implemented pursuant to sections 590.100 to 590.180, and such minimum standards shall in no way be deemed adequate in those cases in which higher standards have been adopted.

5. Any federal officer who has the duty and power of arrest on any federal military installation in this state may, at the option of the federal military installation in which the officer is employed, participate in the training program required under the provisions of sections 590.100 to 590.180 and, upon satisfactory completion of such training program, shall be certified by the director in the same manner provided for peace officers, as defined in section 590.100, except that the duty and power of arrest of military officers for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state shall extend only to the geographical boundaries within which the federal military installation is located. Any costs involved in the training of a federal officer shall be borne by the participating federal military installation.

6. Notwithstanding any provision of this chapter to the contrary, any peace officer who is employed by a law enforcement agency located within a county of the third classification shall be required to have no more or less than one hundred twenty hours of training for certification if the respective city or county adopts an order or ordinance to that effect.

7. The peace officers standards and training commission with input from the department of health and the division of family services shall provide a minimum of thirty hours of initial education to all prospective law enforcement officers, except for agents of the conservation commission, concerning domestic and family violence.

8. The course of instruction and the objectives in learning and performance for the education of law enforcement officers required pursuant to subsection 6 of this section shall be developed and presented in consultation with public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence. The peace officers standards and training commission shall consider the expertise and grant money of the national council of juvenile and family court judges, with their domestic and family violence project, as well as other federal funds and grant moneys available for training.

9. The course of instruction shall include, but is not limited to:

(1) The investigation and management of cases involving domestic and family violence and writing of reports in such cases, including:

(a) Physical abuse;

(b) Sexual abuse;

- (c) Child fatalities;
- (d) Child neglect;
- (e) Interviewing children and alleged perpetrators;
- (2) The nature, extent and causes of domestic and family violence;
- (3) The safety of officers investigating incidents of domestic and family violence;
- (4) The safety of the victims of domestic and family violence and other family and household members;
- (5) The legal rights and remedies available to victims of domestic and family violence, including but not limited to rights and compensation of victims of crime, and enforcement of civil and criminal remedies;
- (6) The services available to victims of domestic and family violence and their children;
- (7) Sensitivity to cultural, racial and sexual issues and the effect of cultural, racial, and gender bias on the response of law enforcement officers and the enforcement of laws relating to domestic and family violence; and
- (8) The provisions of applicable state statutes concerning domestic and family violence.

10. For the purpose of peace officer certification, all federal law enforcement training hours, or such officially recognized training by other states may be included for certification purposes. The peace officers standards and training commission may require any peace officer who has not completed a Missouri certified peace officer training course to pass a written examination on Missouri criminal law prior to being certified."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Johnson announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

Senator Wiggins assumed the Chair.

Senator Rohrbach offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 49, 213, 130, 32, 235 and 221, Page 6, Section 571.030, Line 63, by inserting between the word "shall" and the word "complete" on said line the words "successfully"; and

Further amend said bill, page and section, line 65, by adding immediately after the word "agency" on said line the following: "and shall have written authorization from the sheriff of the county of residence".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 49, 213, 130, 32, 235 and 221, Pages 3 and 4, Section 252.085, Lines 1-39 of said pages, by striking all of said section and inserting in lieu thereof the following:

"252.085. 1. All authorized agents of the commission who have attained proper certification as peace officers in

accordance with the provisions of chapter 590, RSMo, and all authorized agents of the commission who attain proper certification as instructors under chapter 590, RSMo, are hereby declared to be officers of the state of Missouri and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of this state.

2. All such agents shall have full power and authority as now or hereafter vested by law in peace officers when working with and at the special request of the sheriff of any county, or the chief of police of any city, or under the direction of the superintendent of the state highway patrol; except that the authorized agent of the commission who is working in any county as provided in this section and section 252.225 and at the request of any agency other than that of the county sheriff's department shall notify immediately the sheriff or the sheriff's designee of the county where the request originated.

3. All [such] **authorized** agents may arrest, without warrant or process of any kind, any person who they have probable cause to believe has committed or is in the process of committing any violation of the laws of the state of Missouri, on all lands owned, operated, managed, or leased by the commission, **or when such probable cause is established incidental to the enforcement of the laws of the state of Missouri which such agents have been authorized by statute to enforce on all lands not owned, operated, managed, or leased by the commission.**

4. All [such] **authorized** agents shall also be declared to be peace officers of the state of Missouri and shall have jurisdiction and may arrest, without warrant or process of any kind, any person who they have probable cause to believe has committed or is in the process of committing a violation of section 569.055, 569.065, 569.067, 569.100, 569.120, 569.140, or 569.150, RSMo, except that no arrest without warrant may be made on any lands not owned, operated, managed or leased by the commission for violations of section 569.100, 569.120, 569.140, or 569.150, RSMo, except upon the complaint of the landowner upon whose land such alleged violation occurred and no arrest may be made without a warrant for the commission of a misdemeanor committed outside the presence of the agent.

5. **In addition to the powers prescribed in this section, all authorized agents may arrest on view, and without a warrant, at any place within this state, any person the agent sees asserting physical force for the purpose of causing or creating a substantial risk or serious injury to any person."**

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Kinder moved that **SCS for SBs 49, 213, 130, 32, 235 and 221**, as amended, be adopted, which motion prevailed on a standing division vote.

On motion of Senator Kinder, **SCS for SBs 49, 213, 130, 32, 235 and 221**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

HCS for HB 7, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up by Senator Lybyer.

SCS for HCS for HB 7, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 7** be adopted.

Senator Staples offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Pages 15 and 16, Sections 7.110, 7.115, 7.120 and 7.125, by deleting said sections in their entirety.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Mueller offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Page 23, Section 7.700, Line 4, by deleting the number "1,769,744" and inserting in lieu thereof the number "1,569,774"; and

Further amend said section, line 5, by deleting the number "5,697,927" and inserting in lieu thereof the number "5,497,927".

Senator Mueller moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Lybyer moved that **SCS** for **HCS** for **HB 7**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 7**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Singleton
Staples	Westfall	Wiggins	Yeckel--28

Nays--Senators--Schneider--1

Absent--Senators

Bentley Curls Sims--3

Absent with leave--Senators

Clay Scott--2

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for HB 12, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up by Senator Lybyer.

SCS for HCS for HB 12, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 12** be adopted.

Senator Ehlmann offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 12, Page 2, Section 12.025, Line 4, by adding the following:

"No funds appropriated herein may be expended unless and until all utilization plans have been agreed to by the governor and the first lady of the State of Missouri.".

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 1** was withdrawn.

Senator Lybyer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 12, Page 17, Section 12.235, Line 5, by deleting the number "\$634,542" and inserting in lieu thereof the number "609,542"; and further amend said section, line 6, by deleting the number "\$3,963,245" and inserting in lieu thereof the number "\$3,938,245".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 12**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 12**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Singleton	Westfall	Wiggins	Yeckel--24

Nays--Senators

Caskey	Howard--2
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Absent--Senators

Banks	Bentley	Curls	Schneider
Sims	Staples--6		

Absent with leave--Senators

Clay	Scott--2
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The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 402**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 82**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Banks, Chairman of the Committee on Public Health and Welfare, Senator Wiggins submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 643**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 643, Page 1, Section 197.415, Line 4, by striking the opening bracket "[" and the closing bracket "]" as they appear around the word "annually".

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 642**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator McKenna submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 63**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 592**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 722**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 823**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 823, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal sections 217.010 and 217.777, RSMo Supp. 1996, relating to corrections and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause."; and

Further amend said bill, Page 1, Section A, Lines 1-3, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 217.010 and 217.777, RSMo Supp. 1996, are repealed and four new sections enacted in lieu thereof, to be known as sections 217.010, 217.440, 217.777 and 1, to read as follows:"; and

Further amend said bill, Page 3, Line 42, by adding after all of said line the following:

"Section 1. 1. The commissioner of administration is authorized to enter into a contract with a developer for the design and construction of a minimum security correctional facility in any city located within at least four counties.

2. The commissioner shall advertise for proposers in accordance with the requirements of section 8.250, RSMo. The commissioner shall select the five most qualified design and construction teams and ask each of the five to submit a schematic design proposal for the facility along with a detailed construction bid. The commissioner shall select the proposer who provides the lowest and best proposal based on the pre-established criteria.

Section B. Because immediate action is necessary to provide for the adequate facilities to incarcerate those who pose a threat to the citizenry, Section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution. Section A of this act shall be in full force and effect upon its passage and approval."

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 406, SB 418, SB 339, SB 12, SB 7, SB 110, SB 156 and SB 35**, with SCS, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SBs 406, 418, 339, 12, 7, 110, 156 and 35, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 406, 418, 339, 12, 7, 110, 156 and 35

An Act to repeal sections 143.124 and 253.401, RSMo 1994, relating to taxation, and to enact in lieu thereof six new sections relating to the same subject, with an effective date for certain sections and an emergency clause for a certain section.

Was taken up.

Senator Wiggins moved that **SCS for SBs 406, 418, 339, 12, 7, 110, 156 and 35** be adopted.

Senator Wiggins offered **SS** for **SCS** for **SBs 406, 418, 339, 12, 7, 110, 156 and 35**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 406, 418, 339, 12, 7, 110, 156 and 35

An Act to repeal sections 143.111 and 143.171, RSMo 1994, relating to taxation, and to enact in lieu thereof three new sections relating to the same subject, with an effective date for certain sections.

Senator Wiggins moved that **SS** for **SCS** for **SBs 406, 418, 339, 12, 7, 110, 156 and 35** be adopted.

At the request of Senator Wiggins, **SB 406, SB 418, SB 339, SB 12, SB 7, SB 110, SB 156 and SB 35**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HS for **HCS** for **HBs 69 and 179**--Judiciary.

HB 338--Labor and Industrial Relations.

HCS for **HB 369**--Financial and Govern-mental Organization.

HCS for **HBs 493 and 39**--Education.

HB 660--Financial and Governmental Organization.

HS for **HCS** for **HB 738**--Civil and Criminal Jurisprudence.

HB 766--Financial and Governmental Organization.

HB 787--Education.

HB 831--Local Government and Economic Development.

HCS for **HJRs 13 and 6**--Corrections and General Laws.

REFERRALS

President Pro Tem McKenna referred **HCR 19** and **SCR 24** to the Committee on Rules, Joint Rules and Resolutions.

President Pro Tem McKenna referred **HB 229** to the Committee on State Budget Control.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 389**, entitled:

An Act to repeal section 301.143, RSMo 1994, and sections 301.142 and 302.302, RSMo Supp. 1996, relating to parking for the physically disabled, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 214**, entitled:

An Act relating to certain merchandising practices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 772**, entitled:

An Act to repeal section 226.270, RSMo 1994, and section 226.967, RSMo Supp. 1996, relating to the department of transportation, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 1** and **HB 410**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 614, regarding Justin Griffin Alexander, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 615, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glenn C. Biggs, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 616, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William R. Lutes, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 617, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert M. Audet, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 618, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Thurman, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 619, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Harris, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 620, regarding Mark McColpin, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 621, regarding the One Hundred First Birthday of Mr. Ed Bales, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 622, regarding Matt Mossie, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 623, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Herman Mollmann, Lee's Summit, which was adopted.

Senator Yeckel offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 624

WHEREAS, the members of the Missouri Senate enjoy a long, proud tradition of recognizing exceptional educators who have dedicated themselves to the advancement of the cause of quality education; and

WHEREAS, at the completion of the 1996-97 academic year, Charlotte Ann Digiovanni will retire from her teaching position with the Lindbergh School District; and

WHEREAS, Charlotte Digiovanni is known, admired, and respected as a conscientious, patient, and caring developmental reading teacher who has consistently conducted her classroom with the highest standards while expertly assisting her students in learning the fundamentals of reading; and

WHEREAS, a twenty-seven-and-one-half-year veteran of the classroom, Charlotte Digiovanni earned her Bachelor of Science degree in Education and her Master's degree in Reading from the University of Missouri-St. Louis prior to serving as fourth grade teacher in the Lindbergh District for eleven years; and

WHEREAS, Charlotte Digiovanni has distinguished herself as a member and district representative of the St. Louis Suburban IRA; as a member of the International Reading Association who regularly attended the organization's annual reading conventions; and as member, building advisor, convention delegate, corresponding secretary, vice president, and president of the Missouri State Teachers Association; and

WHEREAS, a member of the board of directors for the Educational Employees Credit Union for six years, Charlotte Digiovanni is an active member of her community who volunteers her time and expertise for the Cancer Society, the American Heart Association, the YMCA Tutorial Advisory Board, and various community improvements and school-related issues; and

WHEREAS, a native of Rock Point and the beloved daughter of Joe and Pauline Bland, Charlotte Digiovanni has been richly blessed with the love and affection of her wonderful family which includes her husband, Charlie Digiovanni (who passed to his eternal reward in June, 1993); her daughter and son-in-law, Sharon and Lee Sowell; her son and daughter-in-law, Shane and Erika Digiovanni; and her two grandsons, Nick and Derek;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join with the Lindbergh School District in expressing our most sincere appreciation to Charlotte Digiovanni for her twenty-seven and one-half years of unparalleled service and in wishing her a long, enjoyable retirement replete with many opportunities to read, garden, and travel; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for retiree Charlotte Digiovanni.

Senator Schneider requested unanimous consent of the Senate that **SJR 14**, with **SCS**; **SB 386** and **SB 372**, with **SCS**; **SB 284**, with **SCS**; and **SB 404**, with **SCS**, be taken from the Formal Perfection Calendar and placed on the Informal Calendar, which request was granted.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SJR 14**, with **SCS**, be called from the Informal Calendar and taken up for perfection,

which motion prevailed.

SCS for **SJR 14**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 14

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri by adding thereto one new section relating to powers of the legislature concerning rulemaking and the right of citizens to petition for redress of grievances for bureaucratic abuse of rulemaking function.

Was taken up.

Senator Schneider moved that **SCS** for **SJR 14** be adopted.

Senator Flotron offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Joint Resolution No. 14, Page 1, Section 40, Lines 4 and 7, by striking "or inequitable" and inserting in lieu thereof the following ", inequitable or is beyond the scope of statutory authority".

Senator Flotron moved that the above amendment be adopted.

Senator Maxwell assumed the Chair.

Senator Schneider offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Joint Resolution No. 14, by adding:
", is in conflict with state law or is more restrictive than is necessary to carry out the purposes of the statute granting rule making authority".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Schneider moved that **SCS** for **SJR 14**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SJR 14**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 7** as amended and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 8** as amended and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 9** as amended and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 10** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 11** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 12** as amended and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 472**, entitled:

An Act to repeal section 288.038, RSMo 1994, and sections 288.036, 288.040, and 288.050, RSMo Supp. 1996, relating to unemployment compensation, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 288**, entitled:

An Act to repeal sections 640.102, 640.115, 640.120, 640.125, 640.130, 644.101, 644.116 and 644.122, RSMo 1994, and section 640.100, RSMo Supp. 1996, relating to public drinking water, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 58**, entitled:

An Act to repeal section 32.055, RSMo 1994, relating to motor vehicle records, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Lybyer requested unanimous consent of the Senate to make one motion to send **SCS** for **HCS** for **HB 2** through **SCS** for **HCS** for **HB 12**, as amended, to conference, which request was granted.

Senator Lybyer moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 2**; **SCS** for **HCS** for **HB 3**, as amended; **SCS** for **HCS** for **HB 4**; **SCS** for **HCS** for **HB 5**, as amended; **SCS** for **HCS** for **HB 6**, as amended; **SCS** for **HCS** for **HB 7**, as amended; **SCS** for **HCS** for **HB 8**, as amended; **SCS** for **HCS** for **HB 9**, as amended; **SCS** for **HCS** for **HB 10**; **SCS** for **HCS** for **HB 11**; and **SCS** for **HCS** for **HB 12**, as amended, and grant the House a conference thereon, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 386** and **SB 372**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 386** and **372**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 386 and 372

An Act to repeal sections 536.021 and 536.022, RSMo 1994, and section 536.025, RSMo Supp. 1996, relating to administrative rulemaking, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Schneider moved that **SCS** for **SBs 386** and **372** be adopted.

At the request of Senator Schneider, **SB 386** and **SB 372**, with **SCS** (pending), were placed on the Informal Calendar.

Senator Sims moved that **SB 432** be taken up for perfection, which motion prevailed.

Senator Sims offered **SS** for **SB 432**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 432

An Act to repeal section 89.020, RSMo 1994, relating to zoning powers of a municipal legislative body, and to enact in lieu thereof one new section relating to the same subject.

Senator Sims moved that **SS** for **SB 432** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 432, Page 2, Section 89.020, Line 15, by adding at the end thereof, the following: "No municipality, town, or village shall directly or indirectly obstruct the construction of a church or religious institution where the situs and construction of such church complies with the zoning and setback requirements established by such political subdivision. Furthermore, conflicting ordinances relating to the development of a church shall be construed to favor such development."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 432, Page 1, Section 89.020, Lines 12 and 13, by striking the words ", or for religious".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Sims moved that **SS** for **SB 432**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SS** for **SB 432**, as amended, was declared perfected and ordered printed.

Senator Caskey moved that **SB 360**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Caskey, **SS** for **SB 360** was withdrawn.

Senator Caskey offered **SS No. 2** for **SB 360**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 360

An Act to repeal sections 151.020, 153.030, 160.538, 162.081, 162.705, 163.036, 163.161, 165.121, 166.260, 167.131, 167.270, 167.275 and 168.221, RSMo 1994, and sections 160.534, 163.011, 163.021, 163.031, 164.011, 165.011, 165.111, 166.275 and 166.300, RSMo Supp. 1996, relating to education, and to enact in lieu thereof thirty-four new sections relating to the same subject, with an emergency clause for a certain section.

Senator Caskey moved that **SS No. 2** for **SB 360** be adopted.

Senator Mathewson resumed the Chair.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 360, Page 38, Section 163.031, Line 4 of said page, by inserting after the word "ensure" the following: ", **to the extent possible**"; and

Further amend said bill, page and section, line 5, of said page, by striking the words "no less than one" and inserting in lieu thereof the following: "**no greater than the proration factor for line 1 of subsection 6 of section 163.031, RSMo; except that no more than seven million dollars shall be transferred annually from funds otherwise distributable under line 14(b) to fund the special education categorical entitlement established pursuant to line 12 of subsection 6 of this section**".

Senator Caskey moved that the above amendment be adopted.

Senator House offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 360, Page 37, Section 163.031, Line 21 of said page, by striking the following: "and provided that the proration"; and further amend lines 22 to 28 of said page, by striking all of said lines; and

Further amend said bill and section, page 38, lines 1-4 of said page, by striking all of said lines; and further amend line 5 of said page, by striking the following: "with a proration factor of no less than one"; and

Further amend said bill and section, Page 38, Line 18 of said page, by striking the word "for"; and further amend lines 19 to 28, by striking all of said lines; and

Further amend said bill and section, page 39, lines 1-12, by striking all of said line; and further amend line 13, by striking the following: "received by the district for operating purposes;"; and

Further amend said bill and section, Page 40, Line 9 of said page, by striking the following: "[14] 14(a)" and inserting in lieu thereof the following: "14"; and

Further amend said bill and section, Page 40, Line 20 of said page, by striking the following: "Payments made pursuant to line 14(b) of subsection"; and further amend lines 21 and 22, by striking all of said lines; and

Further amend said bill and section, Page 45, Line 12 of said page, by striking the following: "[14.] 14(a)." and inserting in lieu thereof the following: "14."; and

Further amend said bill and section, Page 45, Lines 18 to 28 of said page, by striking all of said lines; and

Further amend said bill and section, page 46, lines 1 to 13 of said page, by striking all of said lines; and

Further amend said bill, Page 66, Section 166.260, Line 18 of said page, by striking the following: "1."; and further amend Line 21 of said page, by striking the following: "(a)" and

Further amend said bill, Page 68, Section 166.260, Lines 7 to 28 of said page, by striking all of said lines; and

Further amend said bill, Page 69, Section 166.260, Lines 1 to 28 of said page, by striking all of said lines; and

Further amend said bill, Page 70, Section 166.260, Lines 1 to 20 of said page, by striking all of said lines; and

Further amend said bill, Pages 70-72, Section 166.275, by striking all of said section and inserting in lieu thereof the following:

"166.275. 1. Any amount of the difference by which the total amount appropriated by the state to school districts, in accordance with a judgment or order based on the equal protection clause of the fourteenth amendment to the Constitution of the United States, for fiscal year 1997 is less than the amount appropriated for the same purpose in fiscal year 1994 in addition to any unexpended appropriation for the 1996 fiscal year that results in additional unobligated resources for the state in fiscal year 1997 shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo.

2. If the total amount appropriated by the state to school districts, in accordance with a judgment or order based on the equal protection clause of the fourteenth amendment to the Constitution of the United States, for fiscal year 1998 [1996] or any subsequent fiscal year is less than the amount appropriated for the same purpose in fiscal year 1997 [1994], any amount of the difference, in addition to any unexpended appropriation for the prior fiscal year that results in additional unobligated resources for the state beginning in fiscal year 1998 [1997, necessary to fund the district

entitlements under section 163.031, RSMo, with a district entitlement proration factor no less than one, shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo] **shall be distributed as follows:**

(1) Fifty percent of such amount shall be used for increased funding of: transportation aid distributed pursuant to section 163.161, RSMo, special education aid provided pursuant to section 162.975, RSMo, gifted education aid provided pursuant to section 162.975, RSMo, vocational education entitlements provided pursuant to section 167.332, RSMo, reimbursement of district costs for purchase of academic performance assessment materials administered pursuant to section 160.518, RSMo, aid for alternative schools pursuant to sections 167.320 to 167.332, RSMo, grants to A+ schools and scholarships provided pursuant to section 160.545, RSMo, and loans provided for capital projects provided from the school building revolving fund pursuant to section 166.300, RSMo, provided that such funding increases shall be uniform in proportion to the prior year's appropriation, if any, except that an increase of no less than two million dollars shall be appropriated for A+ schools pursuant to section 160.545, RSMo, and an increase of no less than two million dollars shall be appropriated for alternative schools pursuant to sections 167.320 to 167.332, RSMo, and, in addition to the funds transferred to the school building revolving fund pursuant to section 160.534, RSMO, no less than ten million dollars shall be appropriated annually pursuant to this subdivision to the school building revolving fund;

(2) For the remaining fifty percent:

(a) For each fiscal year before and including the fiscal year in which a final judgment as to the state of Missouri and its officials is entered in a case which subjects a school district to the federal court's jurisdiction, which school district was subject to a federal court's jurisdiction on the effective date of this section, such amount shall be annually transferred to the school desegregation transition fund which is hereby created in the state treasury and a proportionate share shall be placed in a separate subaccount for each case from which such savings were realized; and

(b) Beginning with the first fiscal year following the fiscal year in which a final judgment as to the state of Missouri and its officials is entered in a case which subjects a school district to the federal court's jurisdiction, which school district was subject to the federal court's jurisdiction on the effective date of this section, a portion of such amount of savings realized from the case in which the school district was a defendant shall, except as otherwise provided in this section, be distributed back to such defendant school district according to the following schedule:

- a. One hundred percent during the first and second fiscal years;**
- b. Eighty percent during the third and fourth fiscal years;**
- c. Sixty percent during the fifth and sixth fiscal years;**
- d. Forty percent during the seventh and eighth fiscal years;**
- e. Twenty percent during the ninth and tenth fiscal years; and**
- f. Zero percent during the eleventh and all subsequent fiscal years,**

and the remainder, including any amounts remaining due to reductions of payments otherwise specified in subparagraphs a to f of this paragraph, shall be annually transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo;

(c) All funds accumulated in a defendant school district's subaccount of the school desegregation transition fund pursuant to paragraph (a) of this subdivision shall be distributed to that defendant school district during the first fiscal year in which funds are distributed to that defendant school district pursuant to paragraph (b) of this subdivision;

(3) Funds received by a defendant school district pursuant to paragraph (b) of subdivision (2) of this subsection, other than those distributed pursuant to section 163.031, RSMo, shall first be used, to the extent necessary, to reduce class sizes for each grade to no more than the following fraction of the desirable class size established for such grade level by the state board of education: for kindergarten through grade six, seventy-five percent of the desirable class size; and for grade seven through grade twelve, one hundred percent of the desirable class size; and then to comply with the following requirements:

(a) The district shall submit, biannually, a personnel assignment plan detailing how each student will have contact with tutors and teachers in small group settings in elementary and middle schools, and with counselors for multiple years in secondary schools;

(b) The district shall establish a reading tutoring program if less than eighty percent of the students are reading at or above grade level;

(c) The district shall establish an individual education plan for each pupil in second, third, fourth or fifth grade who is not performing at or above grade level in mathematics or reading.

3. No district shall continue to receive funding pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section after the fifth fiscal year such funds are received by the district unless the percentage of the district's students scoring at or above the proficiency level on the statewide assessment established pursuant to section 160.518, RSMo, is within five percent of the percentage of students statewide scoring at or above the proficiency level for such assessment in the fifth fiscal year the district receives such funds. The department shall deduct from a school district's state aid calculated pursuant to section 163.031, RSMo, an amount equal to the amount of any funds received the previous year by a school district pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section which funds the department determines were used for purposes other than those specified for such funds pursuant to this section.

4. For the purposes of this section, "final judgment" shall only include a judgment which disposes of all claims involving the state of Missouri and its officials and for which final disposition of all appeals has been rendered."; and

Further amend said bill, pages 73 to 77, section 166.300, by striking all of said section and inserting in lieu thereof the following:

"166.300. 1. [As used in this section, the following words and phrases shall mean:

(1) "Capital improvement projects", expenditures for lands or existing buildings, improvements of grounds, construction of buildings, additions to buildings, remodeling of buildings and initial equipment purchases;

(2) "School facility", a structure dedicated primarily to housing teachers and students in the instructional process, but shall not include buildings dedicated primarily to administrative and support functions within the school.

2.] There is hereby created a revolving fund to be known as the "School Building Revolving Fund". Such moneys as may be appropriated to the fund shall be deposited into the school building revolving fund. **The state treasurer shall invest the monies appropriated for this fund and interest earned until such time as needed to make the grants to the various districts of the state in the manner prescribed in subsections 4 and 5 of sections 30.260, RSMo. [After] When a fund balance has been established, the state board of education shall annually allocate the full amount transferred into the fund during the fiscal year plus the interest earned on such amount as grants to the various school districts of the state which paid interest on general obligation bonds during the previous fiscal year. [by prior years' deposits and interest, school districts may submit requests for loans and grants from the revolving fund for specific projects consistent with rules and regulations of the state board of education and subsection 3 of this section, except that no school district may be permitted to receive a loan from the school building revolving fund without first submitting a long-range capital improvements plan] The payments to the various districts shall be made during the school year following the year for which the allocation is calculated.**

[3.] **2.** To be eligible for loans or grants authorized by this section:

(1) A school district shall meet the minimum criteria for state aid and for increases in state aid established pursuant to section 163.021, RSMo;

(2) A school district shall [provide a program which is] **be accredited or provisionally accredited** by the state board of education for grades kindergarten through twelve **or shall be accredited or provisionally accredited and provide for attendance of its students in a district or districts which is or are accredited or provisionally accredited for grade levels not offered in the district of domicile.** [; and

(3) A school district shall not incur a total debt, including short-term debt and bonded indebtedness in excess of ten percent of the guaranteed tax base for the current payment year multiplied by the number of eligible pupils in the district in the preceding year.

4. If the balance in the school building revolving fund is insufficient to fund project plans for capital improvements, applications shall be funded based upon a priority ranking. Ranking of the projects shall be based upon the following variables:

(1) A rating of provisionally accredited or unaccredited as determined by the state board of education pursuant to section 161.092, RSMo, based upon the condition and adequacy of facilities pursuant to section 163.023, RSMo, and section 160.538, RSMo;

(2) Equalized assessed valuation per eligible pupil;

(3) Increasing enrollment;

(4) Age or condition of facility; and

(5) Building destruction due to fire or natural disaster.

5. The state board of education shall promulgate, by rule, the methodology for prioritizing projects based upon these variables.]

3. Grants to the districts shall be calculated in the following manner: the money appropriated to the school building revolving fund and interest earned shall be divided by the total eligible interest paid on general obligation bonds by all school districts as reported on the preceding year's Annual Secretary of the Board Report to the State Board of Education. The resulting percentage multiplied by each school district's eligible interest payment shall be the district's grant entitlement."

Senator House moved that the above substitute amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Mathewson resumed the Chair.

At the request of Senator Caskey, **SB 360**, with **SS No. 2**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 820**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 487**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 844**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, Senator Johnson submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 99**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 159**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 340**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 340, Page 3, Section 204.300.2, Line 43, by adding after the word "trustees.", the following: **"The trustees shall receive no compensation for their services, but may be compensated for their reasonable expenses normally incurred in the performance of their duties."**

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 470**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 523**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 523, Page 1, Section 1, Line 2, by inserting immediately after the word "and" the word **"either"**; and

Further amend said bill, Page 1, Section 1, Line 3, by inserting immediately after the word "thousand" the following: **"or bordering a city not within a county"**.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 710**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 711**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 749**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 756**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 756, Page 1, Section 1, Line 3, by striking all of said line and inserting in lieu thereof the following:

"in any municipality within a charter county with a population not exceeding three hundred thousand adjoining another first class charter county, or by reciprocal agreement between the municipalities in any other county."

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 771**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 771, Page 1, Section 138.010, Lines 5 to 9, by striking all of said lines and inserting in lieu thereof the following:

"2. The members of the county board of equalization may elect to have two private citizens who are residents of such county serve on the county board of equalization. Such members shall serve without compensation."

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 802**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 816**,

begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS for HB 114**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HB 88**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 813**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 394**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following reports:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 817**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 827**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 827, Page 2, Section 169.010, Line 20, by inserting after the semicolon ";" at the end of said line the following: "**and with the proviso that the board may set a maximum percentage of increase in annual compensation, not to be lower than ten percent, from one year to the next in the final average salary period;**"; and

Further amend said bill, Page 4, Section 169.600, Line 29, by inserting after the semicolon ";" at the end of said line the following: "**and with the proviso that the board may set a maximum percentage of increase in annual compensation, not to be lower than ten percent, from one year to the next in the final average salary period;**".

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 449**; and **SS for SB 173**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committees to act with like committees from the

House on **SCS** for **HCS** for **HB 2**; **SCS** for **HCS** for **HB 3**, as amended; **SCS** for **HCS** for **HB 4**; **SCS** for **HCS** for **HB 5**, as amended; **SCS** for **HCS** for **HB 6**, as amended; **SCS** for **HCS** for **HB 7**, as amended; **SCS** for **HCS** for **HB 8**, as amended; **SCS** for **HCS** for **HB 9**, as amended; **SCS** for **HCS** for **HB 10**; **SCS** for **HCS** for **HB 11**; and **SCS** for **HCS** for **HB 12**, as amended: Senators Lybyer, Goode, Wiggins, Singleton and Russell.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 625, regarding the Jackson High School Girls Basketball Team, which was adopted.

Senator Kinder offered Senate Resolution No. 626, regarding the One Hundred Fourth Birthday of Florentine L. Wagner, Cape Girardeau, which was adopted.

Senator Kinder offered Senate Resolution No. 627, regarding the Notre Dame High School Girls Basketball Team, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Graves introduced to the Senate, Paul Jackson and Duane Meservey, Trenton.

Senator Bentley introduced to the Senate, her son, Chris Bentley, her grandchildren, Charlie, Grace and Emma Bentley, and her niece Gwyn Knauer, Springfield.

Senator Howard introduced to the Senate, Karey Kelley, Dexter; and Karey was made an honorary page.

Senator Caskey introduced to the Senate, Neva Mining, Clinton; and Tyler and Jacob Kresse, St. Charles; and Tyler and Jacob were made honorary pages.

Senator Howard introduced to the Senate, the Physician of the Day, Dr. Kirby Turner and Chris Raymer, Poplar Bluff.

Senator Maxwell introduced to the Senate, Elaine Cornett and Ken and Marge Keller, Mexico; and Ruby and Marlin Dunbar, Kirksville.

Senator Staples introduced to the Senate, Betsy Ledgerwood, Alton.

Senator Goode introduced to the Senate, Jonathan and David Whitwell and Kyle Reed, homeschoolers from Vinita Park.

Senator Kenney introduced to the Senate, members of the Homeschool Conference, Lori and Timmy Schwope and Suzy and Sally Brooks, Blue Springs; and Jacob, Nathan and Kathy Edwards, Lake Tapawingo; and Sally, Timmy, Jacob and Nathan were made honorary pages.

Senator Russell introduced to the Senate, Bill and Jane Putnam, Camdenton; and Lee and Bonnie Eaton, Lebanon.

Senator Schneider introduced to the Senate, students from Glasgow Elementary School, St. Louis; and John Blaser, Jennifer Parker, Brittany Roberts and Jacob Newsom were made honorary pages.

Senator Johnson introduced to the Senate, thirty-nine eighth grade students from St. Therese Catholic School, Parkville; and Kiersten Andrews, Brianna Berry, Christy Conforti and Neal Lawless were made honorary pages.

Senator Kenney introduced to the Senate, his wife, Sandra, his daughter, Elizabeth Alexandria and his son, Carlton Patrick, homeschoolers from Lee's Summit; and Elizabeth and Carlton were made honorary pages.

Senator Yeckel introduced to the Senate, Camille Novak and Sarah Perez, St. Louis.

On behalf of Senator McKenna, the President introduced to the Senate, Theresa Ponzar, and ninety fourth grade students from Antonia Elementary School, Imperial; and Aaron Fischer, Brittney Moellenbeck and Krista Deowns were made honorary pages.

Senator Bentley introduced to the Senate, Tracy Petre, Paul Nabon, Jr., Meredith Irvin, Brett McHenry, Diane Smith and Sue Winters, Springfield.

Senator Singleton introduced to the Senate, Mr. and Mrs. Rick Hailey, and Elizabeth, Neosho; and Elizabeth was made an honorary page.

Senator Yeckel introduced to the Senate, Amber Myers, Jefferson City; and Amber was made an honorary page.

Senator Westfall introduced to the Senate, Trudy Tunnel and Sharon Klein, Mount Vernon.

Senator Maxwell introduced to the Senate, his daughters, Megan and Shannen, Mexico; his mother, Molly Maxwell, Rush Hill; and Sharon Michaels, Mexico.

Senator Bentley introduced to the Senate, Dr. Wordy Buckner and Jim Lee, Springfield.

Senator Sims introduced to the Senate, Hermelia Thorps, Alaina Lopes and Jennifer Janco, St. Louis; and Hermelia, Alaina and Jennifer were made honorary pages.

Senator Westfall introduced to the Senate, Jan and Jim Bowman, Nevada; Gaila Cross, Sue Webb and Larry Nottingham, Stockton; and Jeff Stacy, Humansville.

Senator Maxwell introduced to the Senate, Anica and Bernie Rothrock, Mexico.

Senator Mueller introduced to the Senate, Anna Tenkku and Teresa Wheeler, Brentwood.

Senator Westfall introduced to the Senate, Dennis Cooper, Bolivar.

Senator Klarich introduced to the Senate, Mike, Jan, Brent, Evan and Rachel Petzoldt, homeschoolers from Wildwood; and Karen, Jerry, Jordy and Zachary Sanderson, homeschoolers from Ballwin.

Senator Sims introduced to the Senate, Velma King, Florissant; and Lucille Mauerer, St. Ann.

Senator Kenney introduced to the Senate, Fran and Teri Norton, Wentzville; and Teri was made an honorary page.

Senator Singleton introduced to the Senate, Jim and Gail Creel, and their daughter, Theresa, homeschoolers from Joplin; and Theresa was made an honorary page.

Senator Mueller introduced to the Senate, seventeen sixth, seventh and eighth grade students from Valley Park Middle School, Valley Park.

Senator Lybyer introduced to the Senate, Bob Fugitt and Bob Baker, Richland.

Senator Kinder introduced to the Senate, Mr. and Mrs. Keith McQuarry, and their daughters, Sara and Samantha, homeschoolers from Perryville.

Senator Kinder introduced to the Senate, seventeen eighth grade students from Immaculate Conception School, Jackson.

Senator Howard introduced to the Senate, Mr. and Mrs. Jerry Waddle, Dexter; and Bob Noyes, Bloomfield.

Senator Kinder introduced to the Senate, David Brewer, Lester Goodin, Larry Braswell and Hugh Hunter Byrd, Charleston.

On behalf of Senator Kenney and himself, Senator Caskey introduced to the Senate, Dr. Joe and Marilyn Lee, Kansas City.

Senator Kenney introduced to the Senate, Dale Castle, Independence.

Senator Quick introduced to the Senate, Marie Mentrup, and fifty-four eighth grade students from St. Charles School, Kansas City; and Becky McGill, Greg Smith, Melinda Starbuck and Jennifer Termini were made honorary pages.

Senator Howard introduced to the Senate, Jeris Warrington, Kennett; and Shirley Carney, Dexter.

Senator Caskey introduced to the Senate, James and Carol Platt, Butler.

Senator Graves introduced to the Senate, Dale Hoepprer, Tarkio.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

[CORRECTED]

FIFTY-THIRD DAY--WEDNESDAY, APRIL 16, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, I am thankful that as a young man I was able to see Jackie Robinson play ball. We are all thankful for the opportunity we have had to see Michael Jordan, Ozzie Smith and Tiger Woods. We pray that this body will continue to find ways to help every citizen follow their dream as far as their talent, work, and spirit will take them. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Banks offered Senate Resolution No. 628, regarding AT&T Cares Day, which was adopted.

Senator Lybyer requested unanimous consent of the Senate that the Senate conferees on **SCS** for **HCS** for **HB 2**; **SCS** for **HCS** for **HB 3**, as amended; **SCS** for **HCS** for **HB 4**; **SCS** for **HCS** for **HB 5**, as amended; **SCS** for **HCS** for **HB 6**, as amended; **SCS** for **HCS** for **HB 7**, as amended; **SCS** for **HCS** for **HB 8**, as amended; **SCS** for **HCS** for **HB 9**, as amended; **SCS** for **HCS** for **HB 10**; **SCS** for **HCS** for **HB 11**; and **SCS** for **HCS** for **HB 12**, as amended, be allowed spend- down authority, which request was granted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2**: Representatives: Lumpe, Williams D. (121), Franklin, Wooten, Kauffman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 3**, as amended: Representatives: Lumpe, Williams D. (121), Franklin, Cooper, Kauffman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 4**: Representatives: Lumpe, Williams D. (121), Green, Legan, Vogel.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 5**, as amended: Representatives: Lumpe, Williams D. (121), Green, Legan, Vogel.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 6**, as amended: Representatives: Lumpe, Williams D. (121), Tate, Graham J. (106), Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 7**, as amended: Representatives: Lumpe, Williams D. (121), Tate, McClelland, Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 8**, as amended: Representatives: Lumpe, Williams D. (121), Franklin, Shields, Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 9**, as amended: Representatives: Lumpe, Williams D. (121), Lakin, Kelley (47), Chrismer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 10**: Representatives: Lumpe, Carter, Schilling, Shields, Burton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 11**: Representatives: Lumpe, Williams D. (121), Lakin, Kelley P. (47), Chrismer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 12**, as amended: Representatives: Lumpe, Green, Franklin, Hegeman, Legan.

Senator Quick announced that photographers from the Associated Press and the Senate had been given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Flotron moved that **SB 108**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 108, Page 1, Section 305.230, Line 1, by inserting immediately before said line the following:

"43.265. There is hereby created in the state treasury the "Highway Patrol's Motor Vehicle and Aircraft Revolving Fund", which shall be administered by the superintendent of the highway patrol. All funds received by the highway patrol from [government agencies for purchase of highway patrol motor vehicles and from any other source for the purchase of highway patrol aircraft or aircraft parts shall be credited to the fund.];

(1) Government agencies for purchase of highway patrol motor vehicles;

(2) Any other source for the purchase of highway patrol aircraft or aircraft parts; and

(3) Government agencies for the reimbursement of costs associated with aircraft flights flown on their behalf by the highway patrol;

shall be credited to the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund subject to appropriation and as provided by law and the constitution of this state at the request of the superintendent of the highway patrol. The balances from this fund shall be used for the purchase of highway patrol motor vehicles, highway patrol aircraft or aircraft parts and for no other purpose. Any unexpended balance in fund at the end of the fiscal year shall be exempt from the provisions of section [33.808,] **33.080**, RSMo, relating to the transfer of unexpended balances to the general revenue fund."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

At the request of Senator Flotron, **SB 108**, with **SA 1** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Schneider offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 629

WHEREAS, the Missouri Senate is proud to recognize exceptionally dedicated young athletes who have exemplified the highest attributes of competitive achievement: the 1996-1997 Christian Brothers College (CBC) High School Boys Basketball Team; and

WHEREAS, the CBC Cadets brought honor to their school and community by capturing the Class 4A Basketball Championship with a convincing 51-35 win over Truman at Columbia on March 15, 1997; and

WHEREAS, this impressive victory marked the first CBC state basketball title since 1963, and culminated a highly successful 28-4 season which tied the school win record; and

WHEREAS, during the exciting 1997 State Tournament, the Cadets demonstrated the perseverance, determination, and winning spirit that characterized their success all season long while admirably representing their school both on and off the court which included First Place honors in the Bass Pro Tourney of Champions; and

WHEREAS, the Cadets attained their level of success because of coaching prowess provided by Head Coach Bob McCormack and his assistant Kevin Grawer, who successfully led their players to perform to their fullest potential; and

WHEREAS, the Missouri Senate has the highest regard for our 1996-1997 State Champion Cadets: Aaron Bartoni, Mike Gregory, Eric Guynn, Colin Hadican, Larry Hughes, Ryan Johnson, Jeff Lauck, Don Lee, Tim McDoniel, Matt Prewitt, Dan Sheahan, Bob Sheehan, Marc Stricker, Justin Tatum, Mike Van Hee and Managers Tim Peters and Brian Youngberg; and

WHEREAS, special congratulations is extended to Justin Tatum and Larry Hughes for their recruitment to play in conference U.S.A. at St. Louis University and for the honors earned by Larry Hughes as a McDonald and Parade All American, member of the 1997 Junior Select Team, and Kentucky Derby All Star, who broke twenty-five school records:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, hereby join unanimously in extending our warmest and most hearty congratulations to all the dedicated coaches and players of the CBC High School Boys Varsity Basketball Team upon this truly momentous State Championship victory, and further extend to them our very best wishes for continued success; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the 1996-97 CBC High School Cadets Varsity Basketball Squad.

SENATE BILLS FOR PERFECTION

Senator Flotron moved that **SB 108**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 108, Page 4, Section 305.230, Line 89, by adding immediately after said line the following:

"305.275. 1. The St. Louis Metropolitan Independent Regional Aviation authority is hereby created and whose purpose shall be to plan for and develop a modern and regional aviation system in the St. Louis Metropolitan area.

2. The Mayor of the City of St. Louis, the county executive of St. Louis County, the county executive of St. Charles County and the county commissions of Jefferson and Franklin Counties, with the advice and consent of their respective governing bodies shall each appoint one member to the authority for each one hundred thirty thousand residents in the city or county according to the latest decennial census. In no event shall any appointing authority for a city or county appoint a majority of the members of the commission. The first, third and fifth members initially appointed by an appointing authority shall be appointed for a term of four years. The second, fourth and sixth initial members shall be appointed for a term of two years. Appointments subsequent to the initial appointments shall be for a term of four years. Each member shall be subject to removal by the appointing authority.

3. Any fraction of a year shall be considered a full year and each member's term of office shall expire on the appropriate fifteenth day of January, but he shall continue to hold office until his successor is appointed and qualified. One more than one-half of the members of the authority shall constitute a quorum. Vacancies occurring in the membership shall be filled by appointment by the person making the original appointment for the unexpired remainder of the term. The authority membership shall elect a member to serve as chairman.

4. No person shall be appointed to the authority who is an elected official of the state of Missouri or any political subdivision thereof. No person shall be appointed to the authority who is actively engaged or employed in commercial aeronautics.

5. The members of the authority shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.

6. Each member shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. At such time as federal funds are received or revenue bonds are issued, each member shall give bond in the penal sum of one hundred thousand dollars conditioned upon the faithful performance of his duties and the bond shall be filed in the office of the Missouri secretary of state. The cost of the bond shall be paid by the authority.

7. The authority shall have the power to plan and coordinate the development and operation of all airports in that part of the St. Louis metropolitan located in the State of Missouri, and to cooperate with any corresponding authority in the State of Illinois, and shall have such powers as necessary to achieve such purposes."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Banks raised the point of order that **SA 2** is out of order in that the amendment goes beyond the scope and intent of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Ehlmann offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 108, Page 4, Section 305.230, Line 89, by adding immediately after said line the following:

"305.275. 1. The St. Louis Metropolitan Independent Regional Aviation authority is hereby created and whose purpose shall be to plan for and develop a modern and regional aviation system in the St. Louis Metropolitan

area.

2. The Mayor of the City of St. Louis, the county executive of St. Louis County, the county executive of St. Charles County and the county commissions of Jefferson and Franklin Counties, with the advice and consent of their respective governing bodies shall each appoint one member to the authority for each one hundred thirty thousand residents in the city or county according to the latest decennial census. In no event shall any appointing authority for a city or county appoint a majority of the members of the commission. The first, third and fifth members initially appointed by an appointing authority shall be appointed for a term of four years. The second, fourth and sixth initial members shall be appointed for a term of two years. Appointments subsequent to the initial appointments shall be for a term of four years. Each member shall be subject to removal by the appointing authority.

3. Any fraction of a year shall be considered a full year and each member's term of office shall expire on the appropriate fifteenth day of January, but he shall continue to hold office until his successor is appointed and qualified. One more than one-half of the members of the authority shall constitute a quorum. Vacancies occurring in the membership shall be filled by appointment by the person making the original appointment for the unexpired remainder of the term. The authority membership shall elect a member to serve as chairman.

4. No person shall be appointed to the authority who is an elected official of the state of Missouri or any political subdivision thereof. No person shall be appointed to the authority who is actively engaged or employed in commercial aeronautics.

5. The members of the authority shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.

6. The authority shall have the power to plan and coordinate the development and operation of all airports in that part of the St. Louis metropolitan located in the State of Missouri, and to cooperate with any corresponding authority in the State of Illinois, and shall have such powers as necessary to achieve such purposes. The General Assembly may appropriate funds for the operation of the authority."

Senator Ehlmann moved that the above amendment be adopted.

President Pro Tem McKenna resumed the Chair.

Senator Banks raised the point of order that **SA 3** is out of order in that the amendment goes beyond the scope and intent of the bill.

President Pro Tem McKenna ruled the point of order not well taken.

SA 3 was again taken up.

Senator Ehlmann moved that the above amendment be adopted, which motion failed on a standing division vote.

On motion of Senator Flotron, **SB 108**, as amended, was declared perfected and ordered printed.

Senator DePasco moved that **SJR 13** be taken up for perfection, which motion prevailed.

On motion of Senator DePasco, **SJR 13** was declared perfected and ordered printed.

Senator Maxwell moved that **SJR 11**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SJR 11**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE JOINT RESOLUTION NO. 11

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 37(e) of article III of the Constitution of Missouri relating to powers of the legislature by adding thereto three new sections relating to the issuance of bonds for water pollution control.

Was taken up.

Senator Maxwell moved that **SCS** for **SJR 11** be adopted.

Senator Flotron offered **SS** for **SCS** for **SJR 11**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 11

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 37(e) of article III, of the Constitution of Missouri, by adding thereto three new sections, and an amendment amending article VI, of the Constitution of Missouri, by adding one new section, relating to water pollution control.

Senator Flotron moved that **SS** for **SCS** for **SJR 11** be adopted.

At the request of Senator Maxwell, **SJR 11**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Wiggins moved that **SB 5**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 5

An Act to repeal section 313.817, RSMo 1994, relating to excursion gambling boats, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 5** be adopted.

At the request of Senator Wiggins, **SB 5**, with **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SJR 11**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SJR 11** was again taken up.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 11, Page 14, Section 30(c), Line 4 of said page, by striking the following: "may engage in those activities"; and

Further amend said bill, page and section, lines 5 and 6 of said page, by striking all of said lines and inserting in lieu thereof the following: "**which adopts or has adopted a charter for its own government, shall have all powers which the general assembly of the state of Missouri has authority to confer upon such entity, provided such powers are consistent with the constitution of this state and are not limited or denied either by the charter so adopted or by statute**".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron moved that **SS** for **SCS** for **SJR 11**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SCS** for **SJR 11**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

HB 244, introduced by Representative Hosmer, entitled:

An Act to repeal section 304.022, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **HB 244** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Bentley	Curls	Schneider--3
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Absent with leave--Senators--Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

HB 123, introduced by Representative Howerton, entitled:

An Act to repeal section 302.130, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Klarich.

On motion of Senator Klarich, **HB 123** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Curls Schneider--2

Absent with leave--Senators--Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Singleton moved that motion lay on the table, which motion prevailed.

HB 150, introduced by Representative Gaskill, entitled:

An Act relating to the conveyance of certain real property by the department of natural resources located in McDonald County.

Was called from the Consent Calendar and taken up by Senator Singleton.

Senator Wiggins assumed the Chair.

On motion of Senator Singleton, **HB 150** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Scott--1

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator McKenna moved that **SB 466** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator McKenna offered **SS** for **SB 466**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 466

An Act to amend chapter 67, RSMo, by adding thereto three new sections relating to sports complex authorities, with an emergency clause.

Senator McKenna moved that **SS** for **SB 466** be adopted.

Senator Clay offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 466, Page 3, Section 67.599, Line 1 of said page, by inserting immediately after the numeral "67.599." the following: "**1.**"; and

Further amend said bill, Page 3, Section 67.599, Line 11 of said page, by inserting immediately after all of said line the following:

"2. The authority shall enforce and administer, and every league, club and franchise shall comply with, mandatory public ownership at no less than forty-nine percent of such league, club or franchise. No league, club or franchise shall receive any public moneys, services or any other items of value from any public entity unless such league, club or franchise complies with the provisions of this subsection. The authority shall include in its annual report made pursuant to subsection 1 of this section the status of compliance of every league, club and franchise with the provisions of this subsection."

Senator Clay moved that the above amendment be adopted.

At the request of Senator McKenna, **SB 466**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator House moved that **SB 258** and **SB 228**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 258** and **228** was again taken up.

Senator Johnson offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 258 and 228, Page 8, Section 67.1260, Lines 1-9, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 258 and 228, Page 4, Section 67.457, Lines 62-65, by striking all of said lines and inserting in lieu thereof the following:

"of a [city or] charter county of the first classification may create a neighborhood improvement district when a proper petition has been signed by the owners of record of at least two-thirds by area of all real property located within such proposed district. The governing body of a city or county other than a charter county of the first classification may create a neighborhood improvement district when a proper petition has been signed by at least two-thirds of the owners of record of all real property located within such proposed district. However, if the proposed improvement"

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator House moved that **SCS** for **SBs 258** and **228**, as amended, be adopted, which motion prevailed.

On motion of Senator House, **SCS** for **SBs 258** and **228**, as amended, was declared perfected and ordered printed.

Senator McKenna moved that **SB 466**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Clay, the above amendment was withdrawn.

Senator Clay offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 466, Page 3, Section 67.599, Line 6 of said page, by inserting immediately after the word "areas" the following: ", **and shall include the study and review of any maintenance services for such leagues, clubs or franchises under contract or otherwise applicable, and shall include the study, review and exploration of public ownership, in whole or in part, of such leagues, clubs or franchises**".

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 466, Page 1, Section 67.598, Line 8 of said page, by striking the word "five" and inserting in lieu thereof the following: "**seven**"; and

Further amend said bill, page and section, line 13, by striking "three" and inserting in lieu thereof the following: "**five**"; and

Further amend said bill, page and section, line 15, by striking "one name" and inserting in lieu thereof the following: "**two names**"; and

Further amend said bill, page and section, line 19, by striking the following: "two names from such panel" and inserting in lieu thereof the following: "**one name each from St. Charles County, Franklin County and Jefferson County**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 466, Page 3, Section 67.599, Line 11, by inserting immediately after said line the following:

"Section 1. Any new state or local tax or the reallocation of any existing state or local tax or other source of revenue used or to be used to fund the building, maintenance or rehabilitation of any sports stadium which is a proper subject of study by the St. Louis Regional Sports Complex Authority shall be submitted for approval or rejection to the voters of the political subdivision, including the state of Missouri, which is or will be authorizing, collecting, or expending the tax revenues for such use."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Goode offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 466, Page 3, Section 67.599, Line 11, by inserting immediately after said line the following:

"Section 1. Any new state or local tax or the reallocation of any existing state or local tax or other source of revenue used or to be used to fund the building, maintenance or rehabilitation of any sports stadium which is a proper subject of study by the St. Louis Regional Sports Complex Authority shall be prohibited and the authority shall have no authority to seek such funds."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above substitute amendment be adopted, which motion failed.

Senator Mathewson assumed the Chair.

SA 4 was again taken up.

Senator Goode offered **SSA 2** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 466, Page 3, Section 67.599, Line 11, by inserting immediately after said line the following:

"Section 1. No use of public revenue is authorized by this act and any new state or local tax or the reallocation of any existing state or local tax or other source of revenue used or to be used to fund the building, maintenance or rehabilitation of any sports stadium which is a proper subject of study by the St. Louis Regional Sports Complex Authority shall be submitted for approval or rejection to the voters of the political subdivision, including the state of Missouri, which is or will be authorizing, collecting, or expending the tax revenues for such use."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above substitute amendment be adopted, which motion prevailed.

Senator McKenna moved that **SS** for **SB 466**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SS** for **SB 466**, as amended, was declared perfected and ordered printed.

Senator Schneider moved that **SB 386** and **SB 372**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 386** and **372** was again taken up.

Senator Schneider offered **SS** for **SCS** for **SBs 386** and **372**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 386 and 372

An Act to repeal sections 536.017, 536.021 and 536.022, RSMo 1994, and sections 536.025 and 536.050, RSMo Supp. 1996, relating to administrative rulemaking, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause.

Senator Schneider moved that **SS** for **SCS** for **SBs 386** and **372** be adopted, which motion prevailed.

On motion of Senator Schneider, **SS** for **SCS** for **SBs 386** and **372** was declared perfected and ordered printed.

Senator Schneider moved that **SB 404**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 404**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 404

An Act to repeal section 477.010, RSMo 1994, relating to the supreme court, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Schneider moved that **SCS** for **SB 404** be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 404** was declared perfected and ordered printed.

Senator Caskey moved that **SB 360**, with **SS No. 2**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

At the request of Senator House, the above substitute amendment was withdrawn.

Senator House offered **SSA 2** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 360, Page 14, Section 162.081, Line 25 of said page, by inserting immediately after the word "education" the following: "**or has a fiscal instructional ratio of efficiency which is more than seven percent below the statewide average fiscal instructional ratio of efficiency for two successive school years as determined by the state board of education**"; and

Further amend said bill, page 22, section 162.1060, line 3 of said page, by inserting immediately after the word "residence" the following: "**plus the per eligible pupil share of funds received by the district of residence pursuant to paragraph (b) of subdivision (2) of subsection 2 of section 166.275, RSMo,**"; and

Further amend said bill, page 25, section 163.011, line 26 of said page, by striking the following: "excluding student"; and

Further amend said bill, page and section, line 27 of said page, by striking all of said line and inserting in lieu thereof the following: "**plus the cost of**"; and

Further amend said bill, page and section, line 28 of said page, by striking the following: "cost of purchased services and"; and

Further amend said bill and section, page 26, line 4, of said page, by striking all of said line and inserting in lieu thereof the following: "**and placed in the teacher's or incidental funds**"; and

Further amend said bill, page 37, section 163.031, line 21, of said page, by striking the following: "and provided that the proration"; and further amend lines 22 to 28 of said page, by striking all of said lines; and

Further amend said bill and section, page 38, lines 1-4 of said page, by striking all of said lines; and further amend line 5 of said page, by striking the following: "with a proration factor of no less than one"; and

Further amend said bill and section, Page 38, Line 18 of said page, by striking the word "for"; and further amend lines 19 to 28, by striking all of said lines; and

Further amend said bill and section, page 39, lines 1-12, by striking all of said line; and further amend line 13, by striking the following: "received by the district for operating purposes;"; and

Further amend said bill and section, Page 40, Line 9 of said page, by striking the following: "[14] 14(a)" and inserting in lieu thereof the following: "14"; and

Further amend said bill and section, Page 40, Line 20 of said page, by striking the following: "Payments made pursuant to line 14(b) of subsection"; and further amend lines 21 and 22, by striking all of said lines; and

Further amend said bill and section, Page 45, Line 12 of said page, by striking the following: "[14.] 14(a)." and inserting in lieu thereof the following: "14."; and

Further amend said bill and section, Page 45, Lines 18 to 28 of said page, by striking all of said lines; and

Further amend said bill and section, page 46, lines 1 to 13 of said page, by striking all of said lines; and

Further amend said bill, Page 66, Section 166.260, Line 18 of said page, by striking the following: "1."; and further amend Line 21 of said page, by striking the following: "(a)" and

Further amend said bill, Page 68, Section 166.260, Lines 7 to 28 of said page, by striking all of said lines; and

Further amend said bill, Page 69, Section 166.260, Lines 1 to 28 of said page, by striking all of said lines; and

Further amend said bill, Page 70, Section 166.260, Lines 1 to 20 of said page, by striking all of said lines; and

Further amend said bill, Pages 70-72, Section 166.275, by striking all of said section and inserting in lieu thereof the following:

"166.275. 1. Any amount of the difference by which the total amount appropriated by the state to school districts, in accordance with a judgment or order based on the equal protection clause of the fourteenth amendment to the Constitution of the United States, for fiscal year 1997 is less than the amount appropriated for the same purpose in fiscal year 1994 in addition to any unexpended appropriation for the 1996 fiscal year that results in additional unobligated resources for the state in fiscal year 1997 shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo.

2. If the total amount appropriated by the state to school districts, in accordance with a judgment or order based on the equal protection clause of the fourteenth amendment to the Constitution of the United States, for fiscal year 1998 [1996] or any subsequent fiscal year is less than the amount appropriated for the same purpose in fiscal year 1997 [1994], any amount of the difference, in addition to any unexpended appropriation for the prior fiscal year that results in additional unobligated resources for the state beginning in fiscal year 1998 [1997, necessary to fund the district entitlements under section 163.031, RSMo, with a district entitlement proration factor no less than one, shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo] shall be distributed as follows:

(1) Fifty percent of such amount shall be used for increased funding of: transportation aid distributed pursuant to section 163.161, RSMo, special education aid provided pursuant to section 162.975, RSMo, gifted

education aid provided pursuant to section 162.975, RSMo, vocational education entitlements provided pursuant to section 167.332, RSMo, educational and screening program aid provided pursuant to sections 178.691 to 178.699, RSMo, reimbursement of district costs for purchase of academic performance assessment materials administered pursuant to section 160.518, RSMo, aid for alternative schools pursuant to sections 167.320 to 167.332, RSMo, grants to A+ schools and scholarships provided pursuant to section 160.545, RSMo, and grants provided for capital projects provided from the school building revolving fund pursuant to section 166.300, RSMo, provided that such funding increases shall be uniform in proportion to the prior year's appropriation, if any, except that an increase of no less than two million dollars shall be appropriated for A+ schools pursuant to section 160.545, RSMo, and an increase of no less than two million dollars shall be appropriated for alternative schools pursuant to sections 167.320 to 167.332, RSMo, and, in addition to the funds transferred to the school building revolving fund pursuant to section 160.534, RSMO, no less than ten million dollars shall be appropriated annually pursuant to this subdivision to the school building revolving fund;

(2) For the remaining fifty percent:

(a) For each fiscal year before and including the fiscal year in which a final judgment as to the state of Missouri and its officials is entered in a case which subjects a school district to the federal court's jurisdiction, which school district was subject to a federal court's jurisdiction on the effective date of this section, such amount shall be annually transferred to the school desegregation transition fund which is hereby created in the state treasury and a proportionate share shall be placed in a separate subaccount for each case from which such savings were realized; and

(b) Beginning with the first fiscal year following the fiscal year in which a final judgment as to the state of Missouri and its officials is entered in a case which subjects a school district to the federal court's jurisdiction, which school district was subject to the federal court's jurisdiction on the effective date of this section, a portion of such amount of savings realized from the case in which the school district was a defendant shall, except as otherwise provided in this section, be distributed back to such defendant school district according to the following schedule:

- a. One hundred percent during the first and second fiscal years;
- b. Eighty percent during the third and fourth fiscal years;
- c. Sixty percent during the fifth and sixth fiscal years;
- d. Forty percent during the seventh and eighth fiscal years;
- e. Twenty percent during the ninth and tenth fiscal years; and
- f. Zero percent during the eleventh and all subsequent fiscal years,

and the remainder, including any amounts remaining due to reductions of payments otherwise specified in subparagraphs a to f of this paragraph, shall be annually transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo;

(c) All funds accumulated in a defendant school district's subaccount of the school desegregation transition fund pursuant to paragraph (a) of this subdivision shall be distributed to that defendant school district during the first fiscal year in which funds are distributed to that defendant school district pursuant to paragraph (b) of this subdivision, except that, in the case of a defendant school district located in a city not within a county, such funds shall be distributed to that defendant school district in the fiscal year in which such savings are realized, and such funds may be used by the school district for any lawful purpose, including capital projects purposes;

(3) Except as otherwise provided in this section, funds received by a defendant school district pursuant to paragraph (b) or (c) of subdivision (2) of this subsection, other than those distributed pursuant to section 163.031, RSMo, shall first be used, to the extent necessary, to reduce class sizes for each grade to no more than

the following fraction of the desirable class size established for such grade level by the state board of education: for kindergarten through grade six, seventy-five percent of the desirable class size; and for grade seven through grade twelve, one hundred percent of the desirable class size; and then to comply with the following requirements:

(a) The district shall submit, biannually, a personnel assignment plan detailing how each student will have contact with tutors and teachers in small group settings in elementary and middle schools, and with counselors for multiple years in secondary schools;

(b) The district shall establish a reading tutoring program if less than eighty percent of the students are reading at or above grade level;

(c) The district shall establish an individual education plan for each pupil in second, third, fourth or fifth grade who is not performing at or above grade level in mathematics or reading.

3. No district shall continue to receive funding pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section after the fifth fiscal year such funds are received by the district unless the percentage of the district's students scoring at or above the proficiency level on the statewide assessment established pursuant to section 160.518, RSMo, is within five percent of the percentage of students statewide scoring at or above the proficiency level for such assessment in the fifth fiscal year the district receives such funds. The department shall deduct from a school district's state aid calculated pursuant to section 163.031, RSMo, an amount equal to the amount of any funds received the previous year by a school district pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section which funds the department determines were used for purposes other than those specified for such funds pursuant to this section.

4. The percentage of payment specified pursuant to subparagraphs a to f of paragraph (b) of subdivision 2 of subsection 2 of this section shall be reduced by the difference of the fiscal year 1997 statewide average fiscal instructional ratio of efficiency minus the district's fiscal instructional ratio of efficiency for the preceding year, if the district's fiscal instructional ratio is at least five percent below the fiscal year 1997 statewide average.

5. For the purposes of this section, "final judgment" shall only include a judgment which disposes of all claims involving the state of Missouri and its officials and for which final disposition of all appeals has been rendered."; and

Further amend said bill, pages 73 to 77, section 166.300, by striking all of said section and inserting in lieu thereof the following:

"166.300. 1. [As used in this section, the following words and phrases shall mean:

(1) "Capital improvement projects", expenditures for lands or existing buildings, improvements of grounds, construction of buildings, additions to buildings, remodeling of buildings and initial equipment purchases;

(2) "School facility", a structure dedicated primarily to housing teachers and students in the instructional process, but shall not include buildings dedicated primarily to administrative and support functions within the school.

2.] There is hereby created a revolving fund to be known as the "School Building Revolving Fund". Such moneys as may be appropriated to the fund shall be deposited into the school building revolving fund. **The state treasurer shall invest the monies appropriated for this fund and interest earned until such time as needed to make the grants to the various districts of the state in the manner prescribed in subsections 4 and 5 of sections 30.260, RSMo.** [After] **When a fund balance has been established, the state board of education shall annually allocate the full amount transferred into the fund during the fiscal year plus the interest earned on such amount as grants to the various school districts of the state which paid interest on general obligation bonds during the previous fiscal year** [by prior years' deposits and interest, school districts may submit requests for loans and grants from the revolving fund for specific projects consistent with rules and regulations of the state board of education and subsection 3 of this section, except that no school district may be permitted to receive a loan from the school building revolving fund without first

submitting a long-range capital improvements plan] **The payments to the various districts shall be made during the school year following the year for which the allocation is calculated..**

[3.] **2.** To be eligible for loans or grants authorized by this section:

(1) A school district shall meet the minimum criteria for state aid and for increases in state aid established pursuant to section 163.021, RSMo;

(2) A school district shall [provide a program which is] **be accredited or provisionally accredited** by the state board of education for grades kindergarten through twelve **or shall be accredited or provisionally accredited and provide for attendance of its students in a district or districts which is or are accredited or provisionally accredited for grade levels not offered in the district of domicile.** [; and

(3) A school district shall not incur a total debt, including short-term debt and bonded indebtedness in excess of ten percent of the guaranteed tax base for the current payment year multiplied by the number of eligible pupils in the district in the preceding year.

4. If the balance in the school building revolving fund is insufficient to fund project plans for capital improvements, applications shall be funded based upon a priority ranking. Ranking of the projects shall be based upon the following variables:

(1) A rating of provisionally accredited or unaccredited as determined by the state board of education pursuant to section 161.092, RSMo, based upon the condition and adequacy of facilities pursuant to section 163.023, RSMo, and section 160.538, RSMo;

(2) Equalized assessed valuation per eligible pupil;

(3) Increasing enrollment;

(4) Age or condition of facility; and

(5) Building destruction due to fire or natural disaster.

5. The state board of education shall promulgate, by rule, the methodology for prioritizing projects based upon these variables.]

3. Grants to the districts shall be calculated in the following manner: the money appropriated to the school building revolving fund and interest earned shall be divided by the total eligible interest paid on general obligation bonds by all school districts as reported on the preceding year's annual secretary of the board report to the state board of education. The resulting percentage multiplied by each school district's eligible interest payment shall be the district's grant entitlement."

Senator House moved that the above substitute amendment be adopted.

Senator Johnson resumed the Chair.

President Pro Tem McKenna resumed the Chair.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

Senator Caskey requested a roll call vote be taken on the adoption of **SSA 2** for **SA 1** and was joined in his request by Senators Bentley, Ehlmann, Maxwell and Singleton.

Senator Ehlmann offered **SA 1** to **SSA 2** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Bill No. 360, Page 72, Section 166.275, Line 24 of said page, by inserting at the end of said line the following: "**Other provisions of this section to the contrary notwithstanding, for the third fiscal year in which funds are distributed pursuant to this subdivision and thereafter, all such funds shall be transferred to the general revenue fund.**".

Senator Ehlmann moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 1 to SSA 2 for SA 1** is out of order in that it is in the third degree.

At the request of Senator Ehlmann, **SA 1 to SSA 2 for SA 1** was withdrawn, rendering the point of order moot.

Senator Ehlmann offered **SA 2 to SSA 2 for SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Bill No. 360, Page 6, Line 14 of said page, by inserting at the end of said line the following: "**Other provisions of this section to the contrary notwithstanding, for the third fiscal year in which funds are distributed pursuant to this subdivision and thereafter, all such funds shall be transferred to the general revenue fund.**".

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 2 to SSA 2 for SA 1** was withdrawn.

Senator Mathewson resumed the Chair.

Senator Singleton offered **SA 3 to SSA 2 for SA 1**, which was read:

SENATE AMENDMENT NO. 3 TO
SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Bill No. 360, Page 6, Line 14 of said page, by inserting at the end of said line the following: "**Other provisions of this section to the contrary notwithstanding, for the third fiscal year in which funds are distributed pursuant to this subdivision and thereafter, all such funds shall be transferred to the general revenue fund.**".

Senator Singleton moved that the above amendment be adopted.

Senator House requested a roll call vote be taken on the adoption of **SA 3 to SSA 2 for SA 1** and was joined in his request by Senators Maxwell, Singleton, Rohrbach and Russell.

SA 3 to SSA 2 for SA 1 failed of adoption by the following vote:

Yeas--Senators

Childers	Ehlmann	Graves	Kinder
Rohrbach	Russell	Singleton	Westfall
Yeckel--9			

Nays--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Schneider
Sims	Staples	Wiggins--23	

Absent--Senators--McKenna--1

Absent with leave--Senators--Scott--1

Senator House moved that **SSA 2** for **SA 1** be adopted, which motion failed by the following vote:

Yeas--Senators

Ehlmann	Graves	House	Kenney
Rohrbach	Singleton	Westfall--7	

Nays--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Flotron
Goode	Howard	Jacob	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Russell
Schneider	Sims	Staples	Wiggins
Yeckel--25			

Absent--Senators--McKenna--1

Absent with leave--Senators--Scott--1

At the request of Senator Caskey, **SB 360**, with **SS No. 2** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SB 432**; **SCS** for **SJR 14**; and **SCS** for **SBs 49, 213, 130, 32, 235** and **221**, begs leave to report that it has examined the same and finds that the bills and joint resolution have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 14**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 37(e) of article III of the Constitution of Missouri relating to powers of the legislature by adding thereto four new sections relating to the issuance of bonds for water pollution control.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 301**, entitled:

An Act to repeal section 143.183, RSMo 1994, relating to state income tax revenues from certain nonresidents, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Hope E. Whitehead, 3235 Geyer Avenue, St. Louis City, Missouri 63104, as Supervisor of the Division of Liquor Control, for a term ending at the pleasure of the Governor; vice, Ruby L. Bonner, resigned.

Respectfully submitted,

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 630, regarding the Ninetieth Birthday of Frances Duffy, Kansas City, which was adopted.

Senator Flotron offered Senate Resolution No. 631, regarding Brian G. Quinn, Ballwin, which was adopted.

Senator Klarich offered Senate Resolution No. 632, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Walter J. Pfautsch, Sullivan, which was adopted.

Senator Klarich offered Senate Resolution No. 633, regarding Downtown Washington, Inc., Washington, which was adopted.

Senator Klarich offered Senate Resolution No. 634, regarding the St. John's Mercy Hospital Auxiliary, Washington, which was adopted.

Senator Klarich offered Senate Resolution No. 635, regarding the City Hall in Washington, which was adopted.

Senator Howard offered Senate Resolution No. 636, regarding the One Hundredth Birthday of Lucy Little, Morehouse, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Schneider introduced to the Senate, students from St. Thomas Apostle School, St. Louis; and Matthew Pitlyk, Paul Boudreau, Trisha Shelly and Julia Steyer were made honorary pages.

Senator Mueller introduced to the Senate, Jimmy Haguewood, Valley Park.

Senator Kenney introduced to the Senate, the Physician of the Day, Dr. Donald Potts, Lee's Summit.

Senator Johnson introduced to the Senate, Mayor Rex Wolfe, and his wife, Janet, Donnie Denney and Dannie Stanton, Bolckow.

Senator Caskey introduced to the Senate, Gene Burden, Warrensburg.

Senator Quick introduced to the Senate, Dr. Chris Sizemore, and his wife, Anne, David Fulk and Rob Eisele, Liberty.

Senator Westfall introduced to the Senate, Brenda Friggle, Gary York, Char Hinman, and third and fourth grade students from Verona Elementary School, Verona.

Senator Schneider introduced to the Senate, members of the Christian Brothers College High School Class 4A Basketball Championship team: Aaron Bartoni, Mike Gregory, Eric Guynn, Colin Hadican, Larry Hughes, Ryan Johnson, Jeff Lauck, Don Lee, Tim McDoniel, Matt Prewitt, Dan Sheahan, Bob Sheehan, Marc Stricker, Justin Tatum, Mike Van Hee, Tim Peters and Brian Youngberg; and Head Coach Bob McCormack and Assistant Coach, Kevin Grawer.

Senator Klarich introduced to the Senate, ninety fourth grade students from Coleman Elementary School, Villa Ridge.

Senator Rohrbach introduced to the Senate, Carolyn Adams, and twelve fourth grade students from Pilot Grove.

Senator Yeckel introduced to the Senate, Dan and Marlene Fick, Ralph and Shirley Wolters and Ruth Nolle, St.

Louis.

Senator Banks introduced to the Senate, Mr. Joseph Hunt and members of the Cleveland High School CECH Program, St. Louis; and Angela Hatley, Tasha Smith, Kenyatta Outlaw, Termainia Hogan, Aryn Bostic, Amanda Hercules and Oscar Jenkins were made honorary pages.

Senator Singleton introduced to the Senate, Paul Sims, Sue Smyth, and sophomore, junior and senior Government classes from College Heights Christian School, Joplin.

Senator Jacob introduced to the Senate, Brownie Troop 391 from Grant Elementary School, Columbia; and Sophie Boehm, Lauren D'Agostino, Yun-Jeong Kim, Sascha Leuridan, Heather Gooch, Anna Neal and Hayley Craigmile were made honorary pages.

Senator Rohrbach introduced to the Senate, Kelly Scott, Columbia.

Senator Kinder introduced to the Senate, forty-five fifth, sixth and seventh grade students from St. Ambrose Catholic School, Chaffee.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FOURTH DAY--THURSDAY, APRIL 17, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we need courage, strength and wisdom to do the work of our state. We also pray for guidance, direction and inspiration. Be with us in all that we do. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Quick moved that the Senate Journal for Wednesday, April 16, 1997, be corrected on Page 1, Line 3, by deleting the word "**THURSDAY**" and inserting in lieu thereof the word "**WEDNESDAY**", which motion prevailed.

The Journal of the previous day was read and approved, as corrected.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Scott--1

RESOLUTIONS

Senator Banks offered Senate Resolution No. 637, regarding the Fiftieth Birthday of Mr. Richard K. Gaines, St. Louis, which was adopted.

Senator Kenney offered Senate Resolution No. 638, regarding Ken Rimmer, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 639, regarding Grant Edward Knowles, Lee's Summit, which was adopted.

President Pro Tem McKenna announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

THIRD READING OF SENATE BILLS

SS for **SB 275**, introduced by Senator Kinder, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 275

An Act to repeal sections 188.015, 188.030, 188.035 and 188.075, RSMo 1994, relating to abortions, and to enact in lieu thereof five new sections relating to the same subject, with a penalty provision.

Was taken up.

On motion of Senator Kinder, **SS** for **SB 275** was read the 3rd time and passed by the following vote:

Yeas--Senators

Caskey	Childers	Curls	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28

Nays--Senators

Banks	Clay	Jacob--3
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Absent--Senators--Goode--1

Absent with leave--Senators

Bentley	Scott--2
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The President Pro Tem declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SB 20, introduced by Senator Staples, entitled:

An Act to repeal section 476.083, RSMo Supp. 1996, relating to circuit court marshals, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Staples, **SB 20** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators--Goode--1

Absent with leave--Senators

Bentley Scott--2

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SCS for **SBs 457** and **458**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 457 and 458

An Act to repeal section 143.751, RSMo 1994, relating to taxation, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Wiggins.

On motion of Senator Wiggins, **SCS** for **SBs 457** and **458** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Bentley Scott--2

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

SB 21, introduced by Senator Lybyer, entitled:

An Act to repeal section 67.1300, RSMo Supp. 1996, relating to a local sales tax for certain counties, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Lybyer, **SB 21** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton

Staples	Westfall	Wiggins	Yeckel--32
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Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Bentley	Scott--2
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The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Bentley	Scott--2
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On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SB 298, introduced by Senator DePasco, entitled:

An Act to repeal sections 86.387, 86.447, 86.450, 86.453, 86.457, 86.463, 86.467, 86.620, 86.650 and 86.670, RSMo 1994, and sections 86.370, 86.430, 86.600, 86.630 and 86.672, RSMo Supp. 1996, relating to certain police retirement systems, and to enact in lieu thereof sixteen new sections relating to the same subject.

Was taken up.

Senator Johnson assumed the Chair.

On motion of Senator DePasco, **SB 298** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators--Quick--1

Absent with leave--Senators

Bentley Scott--2

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 345**, introduced by Senator McKenna, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 345

An Act to repeal sections 572.010, 572.070 and 572.125, RSMo 1994, relating to the crime of gambling, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator McKenna, **SS** for **SCS** for **SB 345** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Clay	Curls	DePasco
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Flotron	Graves	Howard	Jacob
Johnson	Mathewson	McKenna	Mueller
Quick	Sims	Staples	Westfall
Wiggins	Yeckel--18		

Nays--Senators

Caskey	Childers	Ehlmann	Goode
House	Kenney	Kinder	Klarich
Lybyer	Maxwell	Rohrbach	Russell
Schneider	Singleton--14		

Absent--Senators--None

Absent with leave--Senators

Bentley	Scott--2
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The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 449, introduced by Senator Quick, entitled:

An Act to repeal sections 30.260, 30.300 and 30.350, RSMo 1994, relating to the state treasurer, and to enact in lieu thereof eleven new sections relating to the same subject.

Was taken up.

President Pro Tem McKenna resumed the Chair.

On motion of Senator Quick, **SB 449** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Schneider	Sims
Staples	Wiggins	Yeckel--27	

Nays--Senators

Kinder	Rohrbach	Russell	Singleton
Westfall--5			

Absent--Senators--None

Absent with leave--Senators

Bentley	Scott--2
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The President Pro Tem declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Mueller moved that motion lay on the table, which motion prevailed.

SS for **SB 173**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 173

An Act to amend chapter 537, RSMo, by adding one new section relating to claims against certain licensed professionals.

Was taken up by Senator Mueller.

On motion of Senator Mueller, **SS** for **SB 173** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Westfall	Yeckel--27	

Nays--Senators

Caskey	Curls	Schneider	Wiggins--4
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Absent--Senators--House--1

Absent with leave--Senators

Bentley Scott--2

The President Pro Tem declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SS for **SB 432**, introduced by Senator Sims, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 432

An Act to repeal section 89.020, RSMo 1994, relating to zoning powers of a municipal legislative body, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Sims, **SS** for **SB 432** was read the 3rd time and passed by the following vote:

Yeas--Senators

Clay	Curls	Ehlmann	Flotron
Goode	Graves	Jacob	Johnson
Klarich	Lybyer	Mathewson	McKenna
Mueller	Rohrbach	Russell	Schneider
Sims	Staples	Wiggins	Yeckel--20

Nays--Senators

Caskey	Childers	DePasco	House
Howard	Kenney	Kinder	Maxwell
Singleton	Westfall--10		

Absent--Senators

Banks Quick--2

Absent with leave--Senators

Bentley Scott--2

The President Pro Tem declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SCS for **SJR 14**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 14

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri by adding thereto one new section relating to powers of the legislature concerning rulemaking and the right of citizens to petition for redress of grievances for bureaucratic abuse of rulemaking function.

Was taken up by Senator Schneider.

On motion of Senator Schneider, **SCS** for **SJR 14** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators--Mueller--1

Absent with leave--Senators

Bentley	Scott--2
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The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SCS for **SBs 49, 213, 130, 32, 235** and **221**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 49, 213, 130, 32, 235 and 221

An Act to repeal sections 70.820, 252.085 and 575.010, RSMo 1994, and sections 571.030 and 590.105, RSMo Supp. 1996, relating to criminal procedure, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Kinder.

On motion of Senator Kinder, **SCS** for **SBs 49, 213, 130, 32, 235** and **221** was read the 3rd time and passed by the following vote:

Yeas--Senators

Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--27	

Nays--Senators

Banks	Curls	Graves	Johnson--4
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Absent--Senators--Mueller--1

Absent with leave--Senators

Bentley	Scott--2
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The President Pro Tem declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 123**; **HB 150**; and **HB 244**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Senator Wiggins assumed the Chair.

THIRD READING OF SENATE BILLS

Senator Howard moved that **SCS** for **SB 79** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Howard, **SCS** for **SB 79** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Clay	Curls	DePasco
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kinder
Mathewson	Maxwell	McKenna	Schneider
Sims	Wiggins	Yeckel--19	

Nays--Senators

Caskey	Childers	Ehlmann	Kenney
Klarich	Lybyer	Quick	Rohrbach
Russell	Singleton	Staples	Westfall--12

Absent--Senators--Mueller--1

Absent with leave--Senators

Bentley	Scott--2
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The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

Yeas--Senators

Banks	Clay	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kinder	Maxwell	McKenna	Wiggins
Yeckel--17			

Nays--Senators

Caskey	Childers	Kenney	Klarich
Lybyer	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Westfall--13			

	Absent--Senators
Mueller	Schneider--2
	Absent with leave--Senators
Bentley	Scott--2

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SJR 13**; **SB 108**; and **SS** for **SCS** for **SJR 11**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 24**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 348**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 543**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 700**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 19**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Linda L. Behlmann, as a member of the Regional Convention and Sports Complex Authority;

Also,

Martha Clevenger, as a member of the Missouri Historical Records Advisory Board;

Also,

Krikor O. Partamian, as a member of the Missouri Western State College Board of Regents;

Also,

Gene Lee Burden, Bruce C. Scott, Diane M. Garber and John Stephen Whitney, as members of the Peace Officer Standards and Training Commission;

Also,

C. Drew Morten and Joyce B. Winkels, as members of the Advisory Commission for Registered Physician Assistants;

Also,

Mark D. Jackson, as a member of the Missouri Board for Respiratory Care;

Also,

Oswald L. Thomas and Charles D. Fuszner, as members of the Missouri Dental Board;

Also,

Daniel J. Abbott, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Marilyn A. Roberts, William L. Durbin and Marie A. Collins as members of the Seismic Safety Commission.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

On behalf of Senator Schneider, Chairman of the Committee on Judiciary, Senator Caskey submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **HB 516**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 431**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Wiggins, Chairman of the Committee on Ways and Means, Senator McKenna submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 491**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HCS** for **HBs 600** and **388**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bills Nos. 600 and 388, Page 1, In the Title, Line 3, by striking the word "three" and inserting in lieu thereof the word "four"; and

Further amend said bill, Page 1, Section A, Line 1, by striking the word "three" and inserting in lieu thereof the word "four"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the following: "and 376.1219" and inserting in lieu thereof the following: ", 376.1219 and 1"; and

Further amend said bill, Page 3, Section 191.331, Lines 63-78, by striking all of said lines; and

Further amend said bill, Page 5, Section 376.1219, Line 20, by inserting immediately after all of said line the following:

"Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of sections 191.331, 376.995 and 376.1219, RSMo, the department shall be required to prove by a preponderance of evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of sections 191.331, 376.995 and 376.1219, RSMo, shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of sections 191.331, 376.995 and 376.1219, RSMo, shall be subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to the effective date of this act."

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Committee Substitute for House Bills Nos. 600 and 388, Page 2, Section 191.331, Line 35, by striking the word "may" and inserting in lieu thereof the word "**shall**".

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator McKenna submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 51**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 343**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 159**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HCS for HB 589**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 207**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HB 342**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Goode, Chairman of the Committee on Commerce and Environment, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 259**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HS for HCS for HB 335**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HCS for HBs 424 and 534**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bills Nos. 424 and 534, Page 2, Section 252.245, Line 6, by striking the word "may" and inserting in lieu thereof the following: "**shall**"; and

Further amend said bill, page and section, line 17, by inserting after the word "persons" the following: "**functioning within the scope and purpose of the designated authority and**".

SENATE COMMITTEE AMENDMENT NO.2

Amend House Committee Substitute for House Bills Nos. 424 and 534, Page 2, Section 252.245, Line 23, by striking

the following: "and other persons".

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HJR 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 538**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 257**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 628**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 628, Page 1, In the Title, Line 2, by inserting immediately after "1994," the following: "and section 163.011, RSMo Supp. 1996,"; and further amend said line by striking the following: "changing boundaries of"; and

Further amend said bill and page, in the title, line 3, by striking the following: "one new section" and inserting in lieu thereof the following: "two new sections"; and further amend said line, by inserting immediately after "subject" the following: ", with an emergency clause for a certain section"; and

Further amend said bill and page, section A, line 1, by striking the following: "is repealed and one new section" and inserting in lieu thereof the following: "and section 163.011, RSMo Supp. 1996, are repealed and two new sections"; and

Further amend said bill, page and section, line 2, by striking the following: "section 162.431" and inserting in lieu thereof the following: "sections 162.431 and 163.011"; and

Further amend said bill, page 2, section 162.431, line 32, by inserting after all of said line the following:

"163.011. As used in this chapter unless the context requires otherwise:

(1) "Adjusted gross income":

(a) "District adjusted gross income per return" shall be the total Missouri individual adjusted gross income in a school district divided by the total number of Missouri income tax returns filed from the school district as reported by the state department of revenue for the second preceding year;

(b) "State adjusted gross income per return" shall be the total Missouri individual adjusted gross income divided by the total number of Missouri individual income tax returns, of those returns designating school districts, as reported by the state department of revenue for the second preceding year;

(c) "District income factor" shall be one plus thirty percent of the difference of the district income ratio minus one, except that the district income factor applied to the portion of the assessed valuation corresponding to any increase in assessed valuation above the assessed valuation of a district as of December 31, 1994, shall not exceed a value of one;

(d) "District income ratio" shall be the ratio of the district adjusted gross income per return divided by the state adjusted gross income per return;

(2) "Average daily attendance" means the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the school term shall be added the full-time equivalent average daily attendance of summer school students. "Full-time equivalent average daily attendance of summer school students" shall be computed by dividing the total number of hours attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term "resident pupil" shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district **or is a regular employee of the school district** which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(4) "Eligible pupils" shall be the sum of the average daily attendance of the school term plus the product of two times the average daily attendance for summer school;

(5) "Equalized assessed valuation of the property of a school district" shall be determined by multiplying the assessed valuation of the real property subclasses specified in section 137.115, RSMo, times the percent of true value as adjusted by the department of elementary and secondary education to an equivalent sales ratio of thirty-three and one-third percent and dividing by either the percent of true value as determined by the state tax commission on or before March fifteenth preceding the fiscal year in which the valuation will be effective as adjusted by the department of elementary and secondary education to an equivalent sales ratio of thirty-three and one-third percent or the average percent of true value for the highest three of the last four years as determined and certified by the state tax commission, whichever is greater. To the equalized locally assessed valuation of each district shall be added the assessed valuation of tangible personal property. The assessed valuation of property which has previously been excluded from the tax rolls, which is being contested as not being taxable and which increases the total assessed valuation of the school district by fifty percent or more, shall not be included in the calculation of equalized assessed valuation under this subdivision;

(6) "Free and reduced lunch eligible pupil count", the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) "Guaranteed tax base" means the amount of equalized assessed valuation per eligible pupil guaranteed each school district by the state in the computation of state aid. To compute the guaranteed tax base, school districts shall be ranked annually from lowest to highest according to the amount of equalized assessed valuation per pupil. The guaranteed tax base shall be based upon the amount of equalized assessed valuation per pupil of the school district in which the ninety-fifth percentile of the state aggregate number of pupils falls during the third preceding year and shall be equal to the state average equalized assessed valuation per eligible pupil for the third preceding year times two and one hundred and sixty-seven thousandths. The average equalized assessed valuation per pupil shall be the quotient of the total equalized assessed valuation of the state divided by the number of eligible pupils;

(8) "Membership" shall be the average of (1) the number of resident full-time students and the full-time equivalent

number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days and (2) the number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils. "Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(9) "Operating levy for school purposes" means the sum of tax rates levied for teachers and incidental funds in the payment year and shall be, after all adjustments and equalization of the operating levy, no less than the minimum value required in section 163.021 for eligibility for increases in state aid as calculated pursuant to section 163.031 and no greater than a maximum value of four dollars and sixty cents per one hundred dollars assessed valuation. To equalize the operating levy, multiply the aggregate tax rates for teachers, incidental, and building funds by either the percent of true value, as determined by the state tax commission on or before March fifteenth preceding the fiscal year in which the evaluation will be effective as adjusted by the department of elementary and secondary education to an equivalent sales ratio of thirty-three and one-third percent, or the average percent of true value for the highest three of the last four years as determined and certified by the state tax commission, whichever is greater, and divide by the percent of true value as adjusted by the department of elementary and secondary education to an equivalent sales ratio of thirty-three and one-third percent, provided that for any district for which the equivalent sales ratio is equal to or greater than thirty-three and one-third percent, the equalized operating levy shall be the adjusted operating levy. For any county in which the equivalent sales ratio is less than thirty-one and two-thirds percent, the state tax commission shall conduct a second study in that county and shall use a sample at least twice as large as the one originally used. If the new ratio is higher than the original ratio provided by this subdivision, the new ratio shall be used for the purposes of this subdivision and for determining equalized assessed valuation pursuant to subdivision (5) of this section. For the purposes of calculating state aid pursuant to section 163.031, for any district which has not enacted a voluntary tax rate rollback nor increased the amount of a voluntary tax rate rollback from the previous year's amount, the tax rate used to determine a district's entitlement shall be adjusted so that any decrease in the entitlement due to a decrease in the tax rate resulting from the reassessment shall equal the decrease in the deduction for the assessed valuation of the district as a result of the change in the tax rate due to reassessment. The tax rate adjustments required under this subdivision due to reassessment shall be cumulative and shall be applied each year to determine the tax rate used to calculate the entitlement; except that whenever the actual current operating levy exceeds the tax rate calculated pursuant to this subdivision for the purpose of determining the district's entitlement, then the prior tax rate adjustments required under this subdivision due to reassessment shall be eliminated and shall not be applied in determining the tax rate used to calculate the district entitlement;

(10) "School purposes" pertains to teachers and incidental funds;

(11) "Teacher" means any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(12) "Adjusted operating levy", the sum of tax rates for the current year for teachers and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(13) "Current operating costs", all expenditures for instruction and support services excluding capital outlay and debt service expenditures less the revenue from federal categorical sources, food service, student activities and payments from other districts.

Section B. Because of the immediate need to allow pupils to attend school in certain districts for the next school year, Section 163.011 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and

is hereby declared to be an emergency act within the meaning of the constitution, and Section 163.011 shall be in full force and effect upon its passage and approval."

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 628, Page 1, Section 162.431, Lines 6-7, by striking the following from said lines: "or one hundred voters, whichever is the higher number".

REFERRALS

President Pro Tem McKenna referred the Gubernatorial Appointment appearing on page 735 of the Senate Journal for Wednesday, April 16, 1997, to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HB 58--Transportation.

HCS for **HB 214**--Judiciary.

HCS for **HB 276**--Corrections and General Laws.

HCS for **HB 288**--Commerce and Environ-ment.

HB 304--Agriculture, Conservation, Parks and Tourism.

HS for **HB 389**--Transportation.

HS for **HCS** for **HB 472**--Labor and Industrial Relations.

HS for **HCS** for **HB 495**--Judiciary.

HB 772--Transportation.

HB 301--Appropriations.

HCS for **HJR 14**--Appropriations.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 105**, entitled:

An Act to repeal section 163.021, RSMo Supp. 1996, and to enact in lieu thereof one new section for the purpose of permitting school districts in counties which have a nuclear power plant or have an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated by a rural electric cooperative to increase their operating levy.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 129**, entitled:

An Act to amend chapter 376, RSMo, relating to health insurance by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator House offered Senate Resolution No. 640, regarding Jeff Maschmeier, which was adopted.

Senator Maxwell offered Senate Resolution No. 641, regarding Rita Henderson, Kirksville, which was adopted.

Senator Caskey offered Senate Resolution No. 642, regarding the Cass Medical Center and the late Rosemary Kauffman, which was adopted.

Senator Wiggins offered Senate Resolution No. 643, regarding the death of Mrs. Judith Ann Brown, Kansas City, which was adopted.

Senator Caskey offered Senate Resolution No. 644, regarding Mary Griffith, Warrensburg, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mueller introduced to the Senate, sixth grade students from the College School of Webster Groves, Webster Groves.

On behalf of Senator Bentley, Senator Westfall introduced to the Senate, Ms. Shae Johnson, and forty students from Greenwood Lab Elementary, Springfield.

Senator Schneider introduced to the Senate, students from the College School of Webster Groves, Webster Groves; and Nicolai Brooks, Ashley Brooks and Patrick DeLaperouse were made honorary pages.

Senator Yeckel introduced to the Senate, students from the College School of Webster Groves, Webster Groves; and Logan Swank and Emily Spataro were made honorary pages.

On behalf of Senator McKenna, the President introduced to the Senate, Jennifer Stackurski, Fenton; and Nick Britt, Crystal City.

Senator Flotron introduced to the Senate, Kyle Kloepper, Webster Groves; and Kyle was made an honorary page.

Senator Yeckel introduced to the Senate, Shaun Hautly, St. Louis; and Shaun was made an honorary page.

Senator Schneider introduced to the Senate, Karen Elder, and students from Highland Elementary School, St. Louis; and Melissa Menke, Ryan Corcoran, Randy Harper and Samantha Smith were made honorary pages.

Senator Caskey introduced to the Senate, Benny Odom, Cleveland; and Jerrie Collins, Harrisonville.

Senator Caskey introduced to the Senate, Delano and Mildred Johnson, Clinton.

Senator Jacob introduced to the Senate, the vice mayor and a delegation from Kutaisi, Republic of Georgia.

On behalf of Senator Graves, Senator Jacob introduced to the Senate, Lori Stroteman, and six students from Fayette.

Senator Singleton introduced to the Senate, Steve Altheide, Carl Junction.

Senator DePasco introduced to the Senate, Sister Sharon Giemza and twenty-one seventh grade students from St. Ann's School, Independence; and Chavonne Booth, Katie Burnside, Manuel Hernandez and Zachary Parsons were made honorary pages.

Senator Graves introduced to the Senate, Suzanne McCrey, Anita Stoll, and twenty-eight students from King City.

Senator Mueller introduced to the Senate, students from Valley Park High School, Valley Park.

On behalf of Senator Flotron, Senator Sims introduced to the Senate, Frances Cohen, and one hundred fourth grade students from Pierremont School, Manchester; and Laura Pace, Michael Arnold, Katie Ricks, Zachary Braun, Ashley Pritchett, Ben Wahlman, Amy Enix and Chris Alfaro were made honorary pages.

Senator Klarich introduced to the Senate, Delores Borcharding and Marcella McDonald, New Haven.

Senator Westfall introduced to the Senate, Kevin Wons, Germany; and Carol Young, Louise Young and Louise Marks, Lawrence County.

Senator Quick introduced to the Senate, Ruth Schwartz, Larry Harmon, and thirty-eight fourth grade students from Topping Elementary School, Kansas City; and Daniel Lindgren, Nick Sauckman, Zachary Ambriz and Ryan Hinchcliff were made honorary pages.

Senator Ehlmann introduced to the Senate, Marsha Buechele, and ninety fifth grade students from John Weldon Elementary School, St. Charles; and Chris Blaine and Adam Wolfe were made honorary pages.

Senator Maxwell introduced to the Senate, a delegation from Options Unlimited, Mexico.

On motion of Senator Quick, the Senate adjourned until 3:00 p.m., Monday, April 21, 1997.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIFTH DAY--MONDAY, APRIL 21, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

Senator McKenna offered the following prayer:

Dear Lord, although no one's counting, today begins the final four weeks of this legislative session. Continue to watch over this legislative body and give us the strength to do what's right for the citizens of Missouri. Guide our discussions so they remain civil and keep our levels of frustration manageable. Help us be proud of our efforts on May 17th. In Christ's Name we pray, Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 17, 1997, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 645, regarding Carondelet Health, which was adopted.

Senator Graves offered Senate Resolution No. 646, regarding Keely White, Hopkins, which was adopted.

Senator Lybyer offered Senate Resolution No. 647, regarding Mr. Herbert L. Henley, Belle, which was adopted.

Senator Caskey offered Senate Resolution No. 648, regarding the Reverend Alan Anzalone, Brownington, which was adopted.

Senator Caskey offered Senate Resolution No. 649, regarding Mary R. Miller, Clinton, which was adopted.

Senator Mueller offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 650

NOTICE OF PROPOSED RULE CHANGE

BE IT RESOLVED by the Senate of the Eighty-ninth General Assembly, First Regular Session, that Senate Rule 64 be amended to read as follows:

"Rule 64. A substitute for the text of a bill is not in order until all pending amendments thereto have been disposed of. **A floor substitute to a bill shall not be taken up and considered until the legislative day following its distribution. The secretary shall note the date and time of distribution on the original of the report. Placement on the desks of the members shall satisfy the requirements of distribution.** Substitute bills, including committee substitutes, shall take the form of original bills and not that of amendments. No further amendments or substitutes may be entertained after the senate adopts a substitute bill."

CONCURRENT RESOLUTIONS

Senator Jacob moved that **HCR 19** be taken up for adoption, which motion prevailed.

On motion of Senator Jacob, **HCR 19** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls	Graves--2
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Absent with leave--Senators--None

Senator Wiggins assumed the Chair.

HOUSE BILLS ON THIRD READING

HB 327, with **SCA 1**, introduced by Representative McBride, entitled:

An Act to amend chapter 252, RSMo, relating to the department of conservation, by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

SCA 1 was taken up.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Johnson, **HB 327**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Curls--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

HB 652, introduced by Representative Backer, entitled:

An Act to repeal section 33.103, RSMo 1994, relating to certain deductions from state employees' compensation, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Lybyer.

On motion of Senator Lybyer, **HB 652** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls McKenna--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 520, with **SCA 1**, introduced by Representative Green, entitled:

An Act to repeal section 37.005, RSMo Supp. 1996, relating to the leasing of surplus public property to a private or government entity, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator DePasco.

SCA 1 was taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

On motion of Senator DePasco, **HB 520**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Flotron	Goode

Graves	House	Jacob	Kenney
Klarich	Lybyer	Maxwell	McKenna
Mueller	Quick	Rohrbach	Schneider
Scott	Staples	Westfall	Wiggins
Yeckel--25			

Nays--Senators

Childers	Ehlmann	Howard	Kinder
Russell	Singleton--6		

Absent--Senators

Johnson	Mathewson	Sims--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 318, with **SCS**, introduced by Representatives Clayton and Leake, entitled:

An Act to repeal section 34.140, RSMo 1994, relating to volunteer fire protection associations, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

SCS for **HB 318**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 318

An Act to repeal section 34.140, RSMo 1994, relating to volunteer fire protection associations, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 318** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **HB 318** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
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Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Quick	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--Rohrbach--1

Absent--Senators

Mueller Russell--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 2** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Ehlmann offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 2, Page 3, Section 478.437, Line 17, by adding immediately after all of said line the following:

"487.020. 1. In each circuit or county having a family court, **except first class counties with a population of at least 210,000 but less than 400,000 that have a charter form of government**, a majority of the circuit and associate circuit judges en banc, in the circuit, may appoint commissioners, subject to appropriations, to hear family court cases and make findings as provided for in sections 487.010 to 487.190. **All other counties shall elect family court commissioners who shall serve four year terms.** Any person serving as a commissioner of the juvenile division of the circuit court on August 28, 1993, shall become a commissioner of the family court. In each circuit or a county therein having a family court, a majority of the circuit and associate circuit judges en banc may appoint **or call for an election of new commissioners in first class counties with a population of at least 210,000 but less than 400,000 that have a charter form of government**, in addition to those commissioners serving as commissioners of the juvenile division and becoming commissioners of the family court pursuant to the provisions of sections 487.020 to 487.040, no more than three additional commissioners to hear family court cases and make findings and recommendations as provided in sections 487.010 to 487.190. The number of additional commissioners added as a result of the provisions of sections 487.010 to 487.190 may be appointed **or elected** only to the extent that the state is reimbursed for the salaries of the

commissioners as provided in sections 487.010 to 487.190 or by federal or county funds or by gifts or grants made for such purposes. A commissioner shall be appointed for a term of four years. Commissioners appointed **or elected** pursuant to sections 487.020 to 487.040 shall serve in addition to circuit judges, associate circuit court judges and commissioners authorized to hear actions classified under section 487.080.

2. Each commissioner of the family court shall possess the same qualifications as a circuit judge. The compensation and retirement benefits of each commissioner shall be the same as that of an associate circuit judge, payable in the same manner and from the same source as that of an associate circuit judge."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Schneider, **SB 2**, as amended, was declared perfected and ordered printed.

Senator Caskey moved that **SB 360**, with **SS No. 2**, and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Caskey, **SA 1** was withdrawn.

At the request of Senator Caskey, **SS No. 2** for **SB 360** was withdrawn.

President Wilson assumed the Chair.

Senator Wiggins resumed the Chair.

Senator Caskey offered **SS No. 3** for **SB 360**, entitled:

SENATE SUBSTITUTE NO. 3 FOR

SENATE BILL NO. 360

An Act to repeal sections 143.105, 143.106, 143.107, 151.020, 153.030, 160.518, 160.538, 160.545, 162.081, 162.705, 163.036, 163.161, 164.013, 165.121, 166.260, 167.131, 167.270, 167.275 and 168.221, RSMo 1994, and sections 160.534, 163.011, 163.021, 163.031, 164.011, 165.011, 165.111, 166.275 and 166.300, RSMo Supp. 1996, relating to education, and to enact in lieu thereof thirty-nine new sections relating to the same subject, with an emergency clause for a certain section.

Senator Caskey moved that **SS No. 3** for **SB 360** be adopted.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 45, Section 163.031, Line 16 of said page, by striking the following: "and provided that the proration"; and further amend lines 17 to 28 by striking all of said lines; and

Further amend said bill and section, Page 46, lines 1 to 5, by striking all of said lines; and further amend line 6, by striking the following: "subsection 6 of this section."; and

Further amend said bill, Page 46, Section 163.031, line 19 by striking "for districts with poverty"; and further amend lines 20-28 of said page, by striking all of said lines; and

Further amend said bill, Page 47, Section 163.031, Lines 1 to 13 of said page, by striking all of said lines; and further amend line 14 of said page by striking the following: "purposes;"; and

Further amend said bill, Page 48, Section 163.031, Line 9 of said page, by striking the following: "[14] 14(a)" and inserting in lieu thereof the following: "14"; and

Further amend said bill, Page 48, Section 163.031, Lines 20 to 22 of said page, by striking all of said lines and inserting in lieu thereof the following: "this section."; and

Further amend said bill, Page 53, Section 163.031, Line 12 of said page, by striking the following: "[14.] 14(a)." and inserting in lieu thereof the following: "14."; and

Further amend said bill, Page 53, Section 163.031, Lines 18 to 28 of said page, by striking all of said lines; and

Further amend said bill, page 54, Section 163.031, Lines 1 to 13 of said page, by striking all of said lines: and

Further amend said bill, Page 78, Section 166.260, Line 15 of said page, by striking the following: "1."; and

Further amend said bill, Page 78, Section 166.260, Line 18 of said page, by striking the following: "(a)" and

Further amend said bill, Pages 82 to 86, Section 166.275, by striking all of said section and inserting in lieu thereof the following:

"166.275. 1. Any amount of the difference by which the total amount appropriated by the state to school districts, in accordance with a judgment or order based on the equal protection clause of the fourteenth amendment to the Constitution of the United States, for fiscal year 1997 is less than the amount appropriated for the same purpose in fiscal year 1994 in addition to any unexpended appropriation for the 1996 fiscal year that results in additional unobligated resources for the state in fiscal year 1997 shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo.

2. If the total amount appropriated by the state to school districts, in accordance with a judgment or order based on the equal protection clause of the fourteenth amendment to the Constitution of the United States, for fiscal year 1998 [1996] or any subsequent fiscal year is less than the amount appropriated for the same purpose in fiscal year 1997 [1994], any amount of the difference, in addition to any unexpended appropriation for the prior fiscal year that results in additional unobligated resources for the state beginning in fiscal year 1998 [1997, necessary to fund the district entitlements under section 163.031, RSMo, with a district entitlement proration factor no less than one, shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo] shall be distributed as follows:

(1) The department shall determine a uniform per pupil payment factor by dividing the total amount of savings by the statewide total number of eligible pupils, and each school district shall receive an annual payment from such total amount of savings equal to the uniform per pupil payment factor times the district's free and reduced price lunch eligible pupil count for the preceding year;

(2) Any remaining savings after payments are made under subdivision (1) of this subsection shall be first transferred as needed to ensure that the categorical entitlements established pursuant to lines 11, 12 and 13 of subsection 6 of section 163.031, RSMo, are funded with a proration factor no less than one; except that no more than the following amounts shall be transferred annually from the funds otherwise distributable pursuant to this subdivision to fund entitlements established pursuant to lines 12 and 13 of subsection 6 of section 163.031, RSMo:

(a) For the first fiscal year, three million dollars for line 12 and two million dollars for line 13;

(b) For the second fiscal year, six million dollars for line 12 and four million dollars for line 13;

(c) For the third fiscal year, nine million dollars for line 12 and six million dollars for line 13;

(d) For the fourth fiscal year, twelve million dollars for line 12 and eight million dollars for line 13;

(e) For the fifth fiscal year and thereafter, fifteen million dollars for line 12 and ten million dollars for line 13; and

(3) Any remaining savings after payments and transfers are made under subdivisions (1) and (2) of this subsection shall be transferred to the state school moneys fund to fund district entitlements pursuant to line 1 of subsection 6 of section 163.031, RSMo."

Senator Childers moved that the above amendment be adopted.

Senator Ehlmann offered SSA 1 for SA 1:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 45, Section 163.031, Line 19, by inserting immediately after the word "or" the following: **"one-third of"**; and

Further amend said bill, Pages 82-86, Section 166.275, by striking all of said section and inserting in lieu thereof the following:

"166.275. 1. Any amount of the difference by which the total amount appropriated by the state to school districts, in accordance with a judgment or order based on the equal protection clause of the fourteenth amendment to the Constitution of the United States, for fiscal year 1997 is less than the amount appropriated for the same purpose in fiscal year 1994 in addition to any unexpended appropriation for the 1996 fiscal year that results in additional unobligated resources for the state in fiscal year 1997 shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo.

2. If the total amount appropriated by the state to school districts, in accordance with a judgment or order based on the equal protection clause of the fourteenth amendment to the Constitution of the United States, for fiscal year 1998 [1996] or any subsequent fiscal year is less than the amount appropriated for the same purpose in fiscal year 1997 [1994], any amount of the difference, in addition to any unexpended appropriation for the prior fiscal year that results in additional unobligated resources for the state beginning in fiscal year 1998 [1997, necessary to fund the district entitlements under section 163.031, RSMo, with a district entitlement proration factor no less than one, shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo] shall be distributed as follows:

(1) One-third of such amount shall be used for increased funding of: transportation aid distributed pursuant to section 163.161, RSMo, special education aid provided pursuant to section 162.975, RSMo, gifted education aid provided pursuant to section 162.975, RSMo, vocational education entitlements provided pursuant to section 167.332, RSMo, reimbursement of district costs for purchase of academic performance assessment materials administered pursuant to section 160.518, RSMo, aid for alternative schools pursuant to sections 167.320 to 167.332, RSMo, grants to A+ schools and scholarships provided pursuant to section 160.545, RSMo, and loans provided for capital projects provided from the school building revolving fund pursuant to section 166.300, RSMo, provided that such funding increases shall be uniform in proportion to the prior year's appropriation, if any, except that an increase of no less than two million dollars shall be appropriated for A+ schools pursuant to section 160.545, RSMo, and an increase of no less than two million dollars shall be appropriated for alternative schools pursuant to sections 167.320 to 167.332, RSMo, and, in addition to the funds transferred to the school building revolving fund pursuant to section 160.534, RSMO, no less than five million dollars shall be appropriated annually pursuant to this subdivision to the school building revolving fund;

(2) One-third of such amount shall be distributed as provided in line 14(b) of subsection 6 of section 163.031, RSMo.

(3) The remaining third shall be distributed to all school districts in the state on a per eligible pupil basis

based upon the additional number of eligible pupils for a district for the current year in comparison to the number of eligible pupils for the district for the 1997-98 school year as a fraction of the total additional number of eligible pupils for the state for the current year in comparison to the total number of eligible pupils for the state for the 1997-98 school year. Districts shall estimate annually the number of additional pupils, and adjustments in aid due to errors in estimation shall be made by the department in the same manner as provided in section 163.036, RSMo. For the purposes of this subdivision, the term eligible pupil shall not include any pupil educated in a district other than the district of residence and for which a district received state aid pursuant to a federal school desegregation court order.

3. For the purposes of this section, "final judgment" shall only include a judgment which disposes of all claims involving the state of Missouri and its officials and for which final disposition of all appeals has been rendered.".

Senator Ehlmann moved that the above substitute amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of SSA 1 for SA 1 and was joined in his request by Senators Childers, Flotron, House and Westfall.

SSA 1 for SA 1 failed of adoption by the following vote:

Yeas--Senators

Ehlmann	Flotron	Graves	House
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Singleton	Westfall
Yeckel--13			

Nays--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Goode
Howard	Jacob	Johnson	Lybyer
Mathewson	Maxwell	Quick	Schneider
Scott	Sims	Staples	Wiggins--20

Absent--Senators--McKenna--1

Absent with leave--Senators--None

SA 1 was again taken up.

Senator Caskey requested a roll call vote be taken on the adoption of SA 1 and was joined in his request by Senators Howard, Klarich, Russell and Schneider.

Senator Mathewson assumed the Chair.

Senator Childers moved that SA 1 be adopted, which motion failed by the following vote:

Yeas--Senators

Childers	Ehlmann	Graves	House
Howard	Kenney	Kinder	Mueller
Rohrbach	Russell	Singleton	Staples
Westfall--13			

Nays--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Flotron	Goode
Jacob	Johnson	Klarich	Lybyer
Mathewson	Maxwell	Quick	Schneider
Scott	Sims	Wiggins--19	

Absent--Senators

McKenna	Yeckel--2
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Absent with leave--Senators--None

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 75, Section 165.111, Line 16 of said page, by inserting immediately after all of said line the following:

"4. (1) Teachers who are non-administrative certificated staff may choose to organize and to present proposals to the appropriate school board concerning school budgets adopted pursuant to this chapter through an elected representative. The provisions of this subsection shall be governed by the provisions of sections 105.500 to 105.530, RSMo.

(2) It shall be unlawful for teachers or teacher organization to strike. If a strike occurs or in the event of any violation or imminently threatened violation of this subsection, any citizen domiciled within the jurisdictional boundaries of the school district may petition the circuit court of jurisdiction for an injunction restraining such violation or imminently threatened violation. If a teacher organization or any of its officers is held to be in contempt of court for failure to comply with an injunction issued pursuant to this section, the teacher organization shall be immediately decertified as a bargaining representative. If a teacher is held to be in contempt of court for failure to comply with such injunction, the court may order sanctions including discharged from employment, and/or forfeiture of seniority or tenure rights.

(3) In any district where teachers choose such a representative, the district shall negotiate with the representative to establish the percentage of current operating costs to be expended on teacher retirement and compensation for nonadministrative certificated staff and the provisions of section 165.016 shall not apply in any district where an agreement is reached."

Senator Schneider moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 75, Section 165.111, Line 16 of said page, by inserting immediately after all of said line the following:

"4. (1) Teachers who are non-administrative certificated staff may choose to organize and to present proposals to the appropriate school board concerning school budgets adopted pursuant to this chapter through an elected representative. The provisions of this subsection shall be governed by the provisions of sections 105.500 to 105.530, RSMo.

(2) It shall be unlawful for teachers or teacher organization to strike. If a strike occurs or in the event of any violation or imminently threatened violation of this subsection, any citizen domiciled within the jurisdictional boundaries of the school district may petition the circuit court of jurisdiction for an injunction restraining such violation or imminently threatened violation. If a teacher organization or any of its officers is held to be in contempt of court for failure to comply with an injunction issued pursuant to this section, the teacher organization shall be immediately decertified as a bargaining representative. If a teacher is held to be in contempt of court for failure to comply with such injunction, the court may order sanctions including discharged from employment, and/or forfeiture of seniority or tenure rights."

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kinder, Klarich, Russell and Singleton.

Senator Caskey raised the point of order that **SA 2** and **SSA 1** for **SA 2** are out of order in that both amendments go beyond the intent of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Johnson assumed the Chair.

Senator Mathewson resumed the Chair.

Senator Schneider moved that **SSA 1** for **SA 2** be adopted, which motion failed of adoption by the following vote:

Yeas--Senators

Clay	DePasco	Goode	House
Jacob	Mathewson	Maxwell	McKenna
Quick	Schneider	Scott	Wiggins--12

Nays--Senators

Bentley	Caskey	Childers	Curls
Ehlmann	Flotron	Graves	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mueller	Rohrbach	Russell
Sims	Singleton	Staples	Westfall

Yeckel--21

Absent--Senators--Banks--1

Absent with leave--Senators--None

At the request of Senator Schneider, **SA 2** was withdrawn.

Senator Clay offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 112, Section 4, Line 9 of said page, by inserting immediately after the word "may" the following: "**not**"; and further amend line 10 of said page, by striking the following: "; provided that no more than twenty"; and further amend line 11 of said page, by striking all of said line; and

Further amend said bill and section, page 112, line 12 of said page, by striking all of said line; and further amend line 13 of said page, by striking the following: "by noncertificated personnel"; and further amend line 19 of said page, by striking the following: "Appropriate experience, training and"; and further amend lines 20-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 113, line 1 of said page, by striking all of said line.

Senator Clay moved that the above amendment be adopted, which motion failed.

Senator Clay offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 32, Section 163.011, Line 21 of said page, by inserting immediately after the word "**districts**" the following: "; **provided that in calculating the operating costs described above there shall first be deleted from the computation the incremental costs of complying with court orders regarding desegregation, including, but not limited to, the costs of recruiting and counseling students, monitoring and adjusting student assignment, administering a transportation program and paying debt service on buildings constructed or renovated to comply with court orders for capital improvements**".

Senator Clay moved that the above amendment be adopted.

At the request of Senator Caskey, **SB 360**, with **SS No. 3** and **SA 4** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem McKenna referred **SS** for **SCS** for **SJR 11**; **HB 491**, with **SCS**; **HS** for **HCS** for **HB 335**, with **SCS**; and **HCS** for **HB 538** to the Committee on State Budget Control.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 451**, entitled:

An Act relating to floodplain management.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 474**, entitled:

An Act to repeal section 211.393, RSMo Supp. 1996, relating to juvenile court personnel and budgeting, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 331**, entitled:

An Act to repeal sections 86.260 and 86.267, RSMo 1994, and sections 86.256, 86.820, 86.283 and 86.287, RSMo Supp. 1996, relating to certain police retirement systems, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 364, 33, 148, 187, 488 and 503**, entitled:

An Act to repeal sections 115.575, 367.044, 367.045, 367.047, 367.048, 367.050, 478.268, 494.425 and 528.010, RSMo 1994, and section 512.050, RSMo Supp. 1996, relating to court proceedings, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 696**, entitled:

An Act to repeal sections 115.013, 115.019, 115.045, 115.085, 115.115, 115.117, 115.129, 115.132, 115.139, 115.151, 115.155, 115.159, 115.160, 115.163, 115.165, 115.193, 115.247, 115.275, 115.285, 115.317, 115.363, 115.379, 115.387, 115.389, 115.395, 115.453, 115.479, 115.495, 115.507, 115.511, 115.531, 115.575, 115.577, 115.600, 115.619, 115.621, 115.631, 115.635 and 116.260, RSMo 1994, and sections 115.023, 115.123, 115.125, 115.127, 115.277, 115.279, 115.283, 115.284, 115.359, 115.361, 115.373, 115.601 and 247.180, RSMo Supp. 1996, relating to elections, and to enact in lieu thereof fifty-six new sections relating to the same subject, with an emergency clause for certain sections.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 560**, entitled:

An Act to repeal section 191.331, RSMo Supp. 1996, relating to testing for phenylketonuria, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 376**, entitled:

An Act to repeal sections 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, relating to joint municipal utility commissions, and to enact in lieu thereof nine new sections relating to the same subject, with a contingent effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 669**, entitled:

An Act to repeal section 542.276, RSMo 1994, relating to law enforcement, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 356** and has again taken up and passed **SCS** for **HCS** for **HB 356**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 146**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 424**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 416**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 131**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 179**.

With House Committee Amendment No. 1

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 179, Page 1, In the Title, Line 2, by inserting immediately after the word "sections" the numeral "266.291,"; and

Further amend said bill, Page 1, In the Title, Line 3, by striking the word "two" and inserting in lieu thereof the word "three"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after the word "Sections" the numeral "266.291,"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the word "two" and inserting in lieu thereof the word "three"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after the word "sections" the numeral "266.291,"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

"266.291. The following words, terms, and phrases, when used in sections 266.291 to 266.351 have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Director" means the director of the Missouri agricultural experiment station at Columbia, Missouri;

(2) "Distributor" means any person who imports, consigns, manufactures, produces or compounds fertilizer, or offers for sale, sells, barter, or otherwise supplies fertilizers for consumption or use in this state; provided that this term shall not apply to any person who purchases fertilizer from a distributor registered under sections 266.291 to 266.351 and which fertilizer has been once sold in compliance with sections 266.291 to 266.351;

(3) "Essential plant nutrient" includes any element recognized as being directly required by any plant to complete its life cycle;

(4) "Fertilizer" includes any organic or inorganic material of natural or synthetic origin which is added to soil, soil mixtures, or solution to supplement nutrients and is claimed to contain one or more essential plant nutrients. The term "fertilizer" does not include unmanipulated animal and vegetable manure and agricultural liming materials used to reduce soil acidity;

(5) "Person" includes individuals, partnerships, associations, firms, corporations, estates, trusts, receivers, or trustees appointed by any state or federal court;

(6) "Sale", "sold", and "sells" include exchanges and consignments for sale and means any transfer or barter;

(7) **"Variable rate technology" means the method of applying two or more fertilizer materials which are blended at variable rates by a spreading vehicle or device during the application process."**; and

Further amend said bill, Page 2, Section 266.321, Line 21, by striking the word "**printed**" and inserting in lieu thereof the word "**written**"; and

Further amend said bill, Page 2, Section 266.321, Line 26, by striking the words "**which are**"; and

Further amend said bill, Page 2, Section 266.321, Line 27, by inserting after the word "**mixing**" the following: "**and intended to be applied using variable rate technology**"; and

Further amend said bill, Page 2, Section 266.321, Lines 27-28, by striking the words "**labeled to show net weight, the guaranteed analysis or**" and inserting in lieu thereof the following: "**accompanied by a plainly written statement which shows**"; and

Further amend said bill, Page 2, Section 266.321, Line 29, by striking the words "**or both**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 164**, entitled:

An Act to repeal sections 59.330 and 381.031, RSMo 1994, relating to land title records, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 215**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 398**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 310**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 309**, entitled:

An Act to repeal sections 169.595 and 169.712, RSMo 1994, and sections 169.010, 169.040, 169.050, 169.070, 169.075, 169.315, 169.326, 169.328, 169.440, 169.466, 169.570, 169.577, 169.600, 169.620, 169.630, 169.660 and 169.670, RSMo Supp. 1996, relating to certain school retirement systems, and to enact in lieu thereof nineteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 389**, entitled:

An Act to repeal section 104.110, RSMo Supp. 1996, relating to the highways and transportation employees' and highway patrol retirement system, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 152**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 246**.

Bill ordered enrolled.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jennie L. Crisp, Post Office Box 165, Gainesville, Ozark County, Missouri 65655, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2000, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorothy A. Dunn, 3907 Cordes Drive, St. Louis, St. Louis County, Missouri 63125, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2000, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert J. Gillihan, 9900 E. Gregory, Raytown, Jackson County, Missouri 64133, as a member of the Kansas City Area Transportation Authority, for a term ending October 13, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Martin E. Harrington, Democrat, 8418 Knollwood, St. Louis, St. Louis County, Missouri 63121, as a member of the Missouri Development Finance Board, for a term ending September 14, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James D. Jackson, 316 S. Institute Street, Richmond, Ray County, Missouri 64085, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Daniel R. Keller, Republican, 4310 North Holly, Kansas City, Clay County, Missouri 64116, as a member of the Tourism Commission, for a term ending January 15, 1999, and until his successor is duly appointed and qualified; vice, Robert Smith, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mark V. Kenney, Democrat, 5630 Brookside Boulevard, Kansas City, Jackson County, Missouri 64112, as a member of the Community Service Commission, for a term ending December 15, 1997, and until his successor is duly appointed and qualified; vice, Robert B. Rogers, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas M. Macdonnell, M.D., Democrat, Route 7 Box 7185, Marshfield, Webster County, Missouri 65706, as a member of the State Board of Health, for a term ending October 13, 2000, and until his successor is duly appointed and qualified; vice, Frederick Kiehl, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Douglas E. Oyer, 704 Green Street, Harrisonville, Cass County, Missouri 64701, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2000, and until his successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas P. Rackers, Republican, 720 Hobbs Road, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Development Finance Board, for a term ending September 14, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roddy J. Rogers, Republican, 2241 E. Powell, Springfield, Greene County, Missouri 65804, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Albert A. Santoscoy, #9 Union Road, St. Louis, St. Louis County, Missouri 63123, as a member of the Missouri Board for Barber Examiners, for a term ending April 5, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Anne B. Schmidt, 4311 Alderwood Drive, Florissant, St. Louis County, Missouri 63033, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2000, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MEL CARNAHAN

Governor

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SCS** for **SBs 386** and **372**; **SCS** for **SB 404**; **SCS** for **SBs 258** and **228**; and **SS** for **SB 466**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 700**,

begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

COMMUNICATIONS

Senator Rohrbach submitted the following:

April 21, 1997

Ms. Terry Spieler

Secretary of the Senate

Room 325

Missouri State Capitol

Dear Ms. Spieler:

I request that House Bill 844 be taken from the Consent Calendar.

Sincerely,

/s/ Larry Rohrbach

Larry Rohrbach

Senator Schneider submitted the following:

April 21, 1997

Terry Spieler

Secretary of the Senate

State Capitol Building

Jefferson City, MO 65101

RE: HB 82

Dear Terry:

Pursuant to Rule 45 of the Missouri Senate I respectfully request that House Bill 82 be removed from the Consent Calendar. The provisions of this bill are controversial because the U.S. Supreme Court has struck down as unconstitutional similar legislation enacted in the State of North Carolina. The essence of the Supreme Court's decision was to reaffirm the rights of charities and non profits, whether working through volunteers, paid staff or professional representatives, to solicit support without being burdened by overreaching limitations.

Very truly yours,

/s/ John D. Schneider

John D. Schneider

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Jean Neal, St. Louis.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SIXTH DAY--TUESDAY, APRIL 22, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

Senator Schneider offered the following prayer:

Dear Lord, our God, we praise You and thank You for the peace and blessings You have given to Your people. We recall Your promises and pray that You send Your spirit of wisdom to the Missouri Senate. Enlighten us to perceive Your truth and help us to honor the trust You have given us to use Your power to attain good and that we have the courage to seek and attain justice for the People of Missouri. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Maxwell offered Senate Resolution No. 651, regarding Angela Stephenson, which was adopted.

Senator Rohrbach offered Senate Resolution No. 652, regarding St. Marys Health Center Auxiliary, Jefferson City, which was adopted.

Senator McKenna offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 653

NOTICE OF PROPOSED RULE CHANGE

BE IT RESOLVED by the Senate of the Eighty-ninth General Assembly, First Regular session, that Senate Rule 91 be amended to read as follows:

"Rule 91. When a question has once been decided by a vote of the senate, any senator voting on that side which prevails may move for a reconsideration of the vote at any time within three legislative days, excluding legislative days wherein the roll is not called, after the day on which the vote was had, except votes ordering bills printed as perfected, which may be reconsidered at any time before third reading of such bills. **When a vote by which a bill was declared perfected is reconsidered, any previous actions on the bill are subject to reconsideration for three legislative days thereafter.** When a motion is made to reconsider the vote by which a bill failed of perfection, the presiding officer shall briefly state the nature of the bill and, thereupon, the vote on the motion to reconsider shall be immediately taken without interrogation or debate. All motions to reconsider shall be decided by a majority vote of the senators elected. Only one motion to reconsider shall be allowed on any question."

Senator Howard offered Senate Resolution No. 654, regarding the Mingo Job Corps Civilian Conservation Center, Puxico, which was adopted.

PRIVILEGED MOTIONS

Senator Caskey moved that **SB 164**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 164**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 164

An Act to repeal sections 59.330 and 381.031, RSMo 1994, relating to land title records, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **HCS** for **SB 164** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Clay Curls Ehlmann Maxwell--4

Absent with leave--Senators--None

On motion of Senator Caskey, **HCS** for **SB 164** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay Curls Maxwell--3

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Johnson moved that **SB 179**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Johnson moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	McKenna	Mueller
Quick	Russell	Schneider	Sims
Singleton	Westfall	Wiggins	Yeckel--28

Nays--Senators--None

Absent--Senators

Clay	Curls	Maxwell	Rohrbach
Scott	Staples--6		

Absent with leave--Senators--None

On motion of Senator Johnson, **SB 179**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			

Nays--Senators--None

Absent--Senators

Clay	Curls	Lybyer	Maxwell
Scott--5			

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Johnson moved that **SB 309**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 309**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 309

An Act to repeal sections 169.595 and 169.712, RSMo 1994, and sections 169.010, 169.040, 169.050, 169.070, 169.075, 169.315, 169.326, 169.328, 169.440, 169.466, 169.570, 169.577, 169.600, 169.620, 169.630, 169.660 and 169.670, RSMo Supp. 1996, relating to certain school retirement systems, and to enact in lieu thereof nineteen new sections relating to the same subject.

Was taken up.

Senator Johnson moved that **HCS** for **SB 309** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay	Scott	Yeckel--3
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Absent with leave--Senators--None

On motion of Senator Johnson, **HCS** for **SB 309** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
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Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay	Scott	Yeckel--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Johnson moved that **SB 389**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 389**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 389

An Act to repeal section 104.110, RSMo Supp. 1996, relating to the highways and transportation employees' and highway patrol retirement system, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Johnson moved that **HCS** for **SB 389** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Flotron	Goode
House	Howard	Jacob	Johnson

Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Singleton
Staples	Westfall	Wiggins	Yeckel--28

Nays--Senators

Bentley	Sims--2
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Absent--Senators

Ehlmann	Graves	Schneider	Scott--4
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Absent with leave--Senators--None

On motion of Senator Johnson, **HCS** for **SB 389** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--Scott--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Quick announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

Senator Quick requested unanimous consent of the Senate to return **SCR 24** to the Committee on Rules, Joint Rules and Resolutions for a hearing upon noon adjournment, which request was granted.

REFERRALS

President Pro Tem McKenna referred the Gubernatorial Appointments appearing on pages 773-775 of the Senate Journal for Monday, April 21, 1997, to the Committee on Gubernatorial Appointments.

President Pro Tem McKenna requested unanimous consent of the Senate that **SB 248** be returned to the Senate from the Committee on State Budget Control in accordance with the revised fiscal note, which request was granted.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

HOUSE BILLS ON THIRD READING

HB 31, introduced by Representative Backer, entitled:

An Act to repeal section 89.142, RSMo 1994, relating to peripheral zoning, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Lybyer.

On motion of Senator Lybyer, **HB 31** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Scott--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 762, introduced by Representatives Davis (63) and Shear, entitled:

An Act relating to identification of health care personnel.

Was called from the Consent Calendar and taken up by Senator Clay.

Senator Wiggins assumed the Chair.

On motion of Senator Clay, **HB 762** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
House	Jacob	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Schneider	Scott
Singleton	Staples	Wiggins--23	

Nays--Senators

Childers	Graves	Howard	Johnson
Mueller	Rohrbach	Russell	Sims
Westfall	Yeckel--10		

Absent--Senators--Flotron--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HB 633, introduced by Representatives Copeland and Leake, entitled:

An Act to repeal section 443.903, RSMo Supp. 1996, relating to reverse mortgage loans, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 633** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Childers	Johnson	Schneider--3
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--Johnson--1

Absent with leave--Senators--None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 709, with **SCS**, introduced by Representative Foley, entitled:

An Act relating to publicly owned sewer treatment works, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator McKenna.

SCS for **HB 709**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 709

An Act to repeal section 249.422, RSMo Supp. 1996, relating to publicly owned sewer treatment works, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator McKenna moved that **SCS** for **HB 709** be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS** for **HB 709** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Johnson Yeckel--2

Absent with leave--Senators--Howard--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Johnson--1

Absent with leave--Senators--Howard--1

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Quick announced that photographers from KMOS-TV had been given permission to take pictures in the Senate Chamber today.

HB 41, introduced by Representative Hosmer, entitled:

An Act to repeal sections 115.615 and 115.621, RSMo 1994, relating to certain political party committees, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Bentley.

On motion of Senator Bentley, **HB 41** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller

Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Banks	Johnson--2
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Absent with leave--Senators--Howard--1

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

President Pro Tem McKenna resumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 147**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 147**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 147

An Act to repeal section 290.140, RSMo 1994, relating to the disclosure of employment information, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Kinder moved that **SCS** for **SB 147** be adopted.

Senator Kinder offered **SS** for **SCS** for **SB 147**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 147

An Act to repeal section 290.140, RSMo 1994, relating to the disclosure of employment information, and to enact in lieu thereof one new section relating to the same subject.

Senator Kinder moved that **SS** for **SCS** for **SB 147** be adopted.

Senator Johnson assumed the Chair.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 3, Section 290.140, Line 23, by inserting after said line the following:

"4. Any information provided by the current or former employer to the prospective employer must also be provided in writing to the former employee."; and

Further amend by renumbering the bill accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 4, Section 290.140, Line 2, by adding after the word "information," the following: "and in such circumstances the employer shall be liable for all damages as may be provided by law as a direct result of providing false information"; and

Further amend page 4, line 1, subsection 4, by striking the word "knowingly" and substitute "knew or should have known".

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Kinder, **SB 147**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 105--Corrections and General Laws.

HB 129--Public Health and Welfare.

HCS for **HB 331**--Elections, Pensions and Veterans' Affairs.

HCS for **HBs 364, 33, 148, 187, 488** and **503**--Commerce and Environment.

HB 376--Commerce and Environment.

HS for **HCS** for **HB 451**--Corrections and General Laws.

HS for **HCS** for **HB 474**--Civil and Criminal Jurisprudence.

HCS for **HB 560**--Public Health and Welfare.

HCS for **HB 696**--Elections, Pensions and Veterans' Affairs.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 2**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SJR 17**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 302**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 302, Page 2, Section 575.110, Line 15, by inserting immediately after the numeral "2." the following: "**For the purposes of this section and sections 109.010 and 109.080, RSMo, the terms "records" and "public records" shall include any records maintained in an electronic format.**

3."

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 460**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 86**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 244** and **SB 312**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 90**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 204**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 245**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 126**, begs leave to report that it has

considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SJR 5**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 322**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which were referred **SB 311** and **SB 200**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 185**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 375**, entitled:

An Act to repeal sections 409.301, 409.403 and 409.415, RSMo 1994, and sections 409.201, 409.202, 409.203 and 409.401, RSMo Supp. 1996, relating to the Missouri uniform securities act, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 150**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 342**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 243**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 197**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 387**, entitled:

An Act to repeal sections 528.010 and 528.600, RSMo 1994, relating to the sale of certain property, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 220**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 220, Page 2, Section 294.011, Line 19, by inserting after the word "**lawn**" the words "**and garden**"; and

Further amend said bill, Page 2, Section 294.011, Line 3, by inserting after the word "**lawn**" the words "**and garden**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 346**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 133**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 255**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 318**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 148**, entitled:

An Act to repeal section 381.412, RSMo Supp. 1996, relating to real estate settlement agents, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 34**, entitled:

An Act relating to the conveyance of certain real property.

With House Perfecting Amendment No. 1.

HOUSE PERFECTING AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 34, Page 2, Section 1, Line 41, by deleting "**MG-05**" and inserting in lieu thereof the following: "**MC-05**"; and

Further amend said bill, Page 2, Section 1, Line 58, by deleting "**MG-05**" and inserting in lieu thereof the following: "**MC-05**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 155**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 155, Page 3, Section 67.1000, Line 56, by deleting the word "or" and inserting in lieu thereof the following: "[or]"; and

Further amend said bill, Page 3, Section 67.1000, Line 58, by inserting immediately after the word "classification," the words "**or any city of the fourth classification with a population in excess of forty thousand which borders on a city of the first classification having a charter form of government which is situated in a county of the first classification with a charter form of government and such county borders another county of the first classification with a charter form of government having a population in excess of eight hundred thousand,**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 353**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 353, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal section 67.1000, RSMo Supp. 1996, relating to tourism tax, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause."; and

Further amend said bill, Page 1, Section A, Line 1, by deleting all of said line and inserting in lieu thereof the following: "Section A. Section 67.1000, RSMo Supp. 1996, is repealed and three"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately before the number "67.1360" the following: "67.1000,"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"67.1000. The governing body of any county of the second classification which is north of the Missouri River and which adjoins a county with a population of more than one hundred thousand inhabitants which contains a campus of the University of Missouri, or the governing body of any county with a township form of government with a population of less than nine thousand inhabitants which adjoins at least six other counties with a township form of government, or the governing body of any county with a township form of government which adjoins at least four other counties with a township form of government and at least one, but not more than one, county of the third classification without a township form of government with a population of less than three thousand inhabitants, **or the governing body of any county of the third classification with a population of less than ten thousand inhabitants which adjoins only two other counties**, or the governing body of any county which contains a state educational institution described as a state teachers college, as defined in paragraph (c) of subdivision (5) of section 176.010, RSMo, other than a county which adjoins the Mississippi River, or a county with a population of more than one hundred fifty thousand inhabitants, or in any county of the third classification without a township form of government which has at least thirteen thousand inhabitants but not more than fourteen thousand inhabitants and adjoins six counties of the third classification and no counties of any other classification, or any city which is the county seat of any county of the third classification which borders the state of Arkansas and contains a branch of Southwest Missouri State University, or in any third class city with a population of at least six thousand inhabitants which is the county seat of a county of the third classification with a township form of government which has a population of at least ten thousand inhabitants but not more than twelve thousand inhabitants, or any fourth class city which is the county seat of any county of the third classification which borders the state of Iowa and has at least five counties of the third classification bordering it, or any city with a special charter that is the county seat of a county of the third classification with at least six counties of the third classification bordering it, or any third class city located in two counties of the third classification only one of which has a township form of government but both of which border the same county of the first classification or any third class city with a population of at least twelve thousand inhabitants but not more than fifteen thousand inhabitants located in a county of the third classification which contains a medium security state correctional facility, or any third class city with a population of at least fifteen thousand but not more than seventeen thousand inhabitants which is the county seat of a county of the fourth classification which is operating as a county of the second classification and has a state university located in such city, or any city which is the county seat of any county of the third classification with a population of at least twenty-one thousand five hundred inhabitants which borders a county of the third classification with a population of less than three thousand inhabitants, or any city of the third classification with a population of at least eleven thousand inhabitants in a county of the first classification without a charter form of government with a population less than one hundred fifty thousand which borders two counties of the first classification with a charter form of government, or any city which is the county seat of any county of the third classification with a population not greater than nine

thousand inhabitants which borders only two counties of the third classification, may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax under the provisions of this section and section 67.1002. The tax authorized by this section and section 67.1002 shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding a convention and visitors bureau which shall be a general not for profit organization with whom the city or county has contracted, and which is established for the purpose of promoting the city or county as a convention, visitor and tourist center. Such tax shall be stated separately from all other charges and taxes."

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 383**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 383, Page 1, In the Title, Line 3, by striking "and 195.410" and inserting in lieu thereof the following: ", 195.410, 338.043, 338.057, 338.059, 338.060, 338.065, 338.070, 338.100, 338.120, 338.130, 338.140, 338.220, 338.285, 338.353, and 338.365; and further amend the title, line 5 by inserting immediately before the word "controlled" the following: "the distribution of"; and further amend the title, line 5, by striking "sixteen" and inserting in lieu thereof the following: "thirty-one"; and

Further amend said bill, Section A, line 2, by striking "and 195.410" and inserting in lieu thereof the following: ", 195.410, 338.043, 338.057, 338.059, 338.060, 338.065, 338.070, 338.100, 338.120, 338.130, 338.140, 338.220, 338.285, 338.353, and 338.365; and further amend Section A, line 4, by striking "sixteen" and inserting in lieu thereof the following: "thirty-one"; and further amend Section A, line 7, by inserting immediately after "195.410" the following: ", 338.043, 338.057, 338.059, 338.060, 338.065, 338.070, 338.100, 338.120, 338.130, 338.140, 338.220, 338.285, 338.353, 338.365; and

Further amend said bill, Section 195.410, Page 46, Line 136, by inserting immediately after all of said line the following:

"338.013. 1. Any person desiring to assist a pharmacist in the practice of pharmacy as defined in this chapter shall apply to the board of pharmacy for registration as a pharmacy technician or auxiliary personnel. Such applicant shall not have engaged in conduct or behavior determined to be grounds for discipline pursuant to this chapter. Such applicant shall forward to the board the appropriate fee and written application on a form provided by the board. Such registration shall be the sole authorization permitted to allow persons to assist licensed pharmacists in the practice of pharmacy as defined in this chapter.

2. If an applicant has submitted the required fee and an application for registration to the board of pharmacy, the applicant for registration as a pharmacy technician may assist a licensed pharmacist in the practice of pharmacy as defined in this chapter for a period of up to ninety days prior to the issuance of a certificate of registration. The applicant shall keep a copy of the submitted application on the premises where the applicant is employed.

3. A certificate of registration issued by the board shall be conspicuously displayed in the pharmacy or place of business where the registrant is employed.

4. Every pharmacy technician or auxiliary person who desires to continue to be registered as provided in this section shall, within thirty days before the registration expiration date, file an application for the renewal, accompanied by the fee prescribed by the board. No registration as provided in this section shall be valid if the registration has expired and has not been renewed as provided in this subsection.

5. The board shall maintain an employment disqualification list of the names of all pharmacy technicians who have been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere to violation of any state, territory or federal drug law, been found guilty, pled guilty or nolo contendere to any felony or has violated any provision of subdivision (2), (3), (4), (6), (7), (11), (12) or (15) of subsection 2 of section 338.055.

6. After an investigation and a determination has been made to place a person's name on the employment disqualification list, the board shall notify such person in writing mailed to the person's last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) Such person's name will be included in the employment disqualification list of the board;

(3) The consequences to the person of being listed and the length of time the person's name will be on the list; and

(4) The person's rights and the procedure to challenge the inclusion of the person's name on the disqualification list.

7. If no reply has been received by the board within thirty days after the board mailed the notice, the board may include the name of such person on such disqualification list. The length of time a person's name shall remain on the disqualification list shall be determined by the board. The board may, also, provide for alternative sanctions, including, but not limited to, conditional employment based on a requirement that the person submit certain documentation within a certain period of time. Any person who receives notice that the board intends to place the person's name on the employment disqualification list may file an appeal with the administrative hearing commission as provided in chapter 621, RSMo.

8. No licensed pharmacy shall knowingly employ any person whose name appears on the employee disqualification list. Any licensed pharmacy permit holder who refuses to employ or terminates a person whose name appears on the employee disqualification list shall not be subject to any civil damages from any suit brought by a person, or on behalf of a person, based on a failure to employ, or for the termination of, a person whose name is on the employee disqualification list.

338.043. 1. Notwithstanding any provision of law to the contrary, the board of pharmacy may grant a temporary license [to any graduate of a school or college of pharmacy whose requirements for graduation are satisfactory to and approved by the board of pharmacy and who holds a license to practice pharmacy by examination in another state and] to an applicant that meets such [other] requirements as the board may prescribe by rule and regulation.

2. The temporary license provided in subsection 1 of this section shall limit the right of the licensee to practice only in locations approved by the board under the supervision of a pharmacist licensed to practice pharmacy in this state.

3. The license shall be renewable at the discretion of and with the approval of the board of pharmacy. A temporary license fee shall accompany the original application for a temporary license and a similar amount shall be paid in the event the temporary license is renewed.

338.057. The [department of economic development] board of pharmacy shall publish a list of drug products for which substitution as provided in section 338.056 shall not be permitted. The list of drug products to be included on this list shall be based upon a joint determination made by the department of health, the state board of registration for the healing arts, and the state board of pharmacy. The [department of economic development] board of pharmacy shall publish the list not less often than semiannually, and shall publish amendments to the list as required.

338.059. 1. It shall be the duty of a licensed pharmacist or a physician to affix or have affixed by someone under [his] **the pharmacist's or physician's** supervision a label to each and every container **provided to a consumer** in which is placed any prescription drug upon which is typed or written the following information:

- (1) The date [of] the prescription is filled;
- (2) The sequential number;
- (3) The patient's name;
- (4) The prescriber's directions for usage;
- (5) The [prescribing doctor's] **prescriber's** name;
- (6) The name and address of the pharmacy;
- (7) The exact name and dosage of the drug dispensed;

(8) There may be one line under the words written stating "Refill" with a blank line or squares following; immediately under the word "Refill" the words "No Refill";

(9) When a generic substitution is dispensed, the name of the manufacturer or an abbreviation thereof shall appear on the label or in the pharmacist's records as required in section 338.100.

2. The label of any drug which is sold at wholesale in this state and which requires a prescription to be dispensed at retail shall contain the name of the manufacturer, expiration date, if applicable, batch or lot number and national drug code.

338.060. 1. Every licensed pharmacist or permit holder who desires to continue in the practice of this profession shall, within thirty days before the license expiration date, file an application for the renewal, which application shall be accompanied by the fee [herein] prescribed **in sections 338.010 to 338.198**.

2. If any pharmacist [shall fail] **fails**, for a period of sixty days after the expiration of [his] **the pharmacist's** license, to make application to the board for its renewal, [his] **the pharmacist's** name shall be [erased] **removed** from the register of licensed pharmacists, and such person, in order to again become registered as a licensed pharmacist, shall be required to pay all delinquent fees. Any pharmacist who fails to renew [his] **the pharmacist's** license within two years of its expiration and then desires to be reregistered shall be treated in the same manner as a person who has never been licensed. Any registered pharmacist whose certificate of registration has expired while [he] **the pharmacist** has been engaged in active duty with the United States Army, United States Navy, United States Air Force, the Marine Corps, Coast Guard, or any other branch of the armed services or the state militia called into the service or training of the United States of America, or in training or education under the supervision of the United States preliminary to induction into the military services may have [his] **the pharmacist's** certificate of registration renewed without paying any lapse, renewal or registration fee or without passing any examination, if within one year after the termination of such service, training or education, other than by dishonorable discharge, [he] **the pharmacist** furnishes the board with an affidavit to the effect that [he] **the pharmacist** has been so engaged and that [his] **the pharmacist's** service, training or education has [been so] terminated.

3. Except as provided in subsection 5 **of this section**, when applying for a renewal of the license as required by the provisions of this section, each licensed pharmacist shall submit proof of the completion of at least [ten] **fifteen** hours **per year** of board-approved continuing education courses during the twelve-month period immediately preceding the date of the application for renewal of the license. The board shall prescribe the form to be completed. No license shall be renewed unless the holder thereof has complied with the provisions of this subsection.

4. The proof of completion **of such continuing education** shall be in such form as the board may require. The

approved courses shall include those offered by correspondence, but the board shall approve all courses of instruction which may be used to satisfy the education requirements of subsection 3 **of this section**.

5. Each licensed pharmacist may, instead of submitting proof of the completion of the required continuing education courses, apply for an inactive license at the time [he] **the pharmacist** makes application for the renewal of [his] **the pharmacist's** license and pay the required renewal fee. An inactive license shall then be issued, and may be renewed annually. While the inactive license is in effect the pharmacist shall not practice pharmacy. The inactive license may be changed to a regular license without other examination whenever the pharmacist submits proof of the completion of continuing education courses for the total amount of such courses not completed since [he] **the pharmacist** was last licensed on an active basis.

338.065. 1. After August 28, 1990, at such time as the final trial proceedings are concluded whereby a [pharmacist] **licensee or registrant** has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony prosecution [under] **pursuant to** the laws of the state of Missouri, the laws of any other state, **territory** or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of a [pharmacist] **licensee or registrant pursuant to this chapter** or any felony offense, an essential element of which is fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, the board of pharmacy may hold a disciplinary hearing to singly or in combination censure or place the pharmacist named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, **registration** or permit.

2. Anyone who has been **revoked or** denied a license, permit or certificate to practice in another state may automatically be denied a license or permit to practice in this state. However, the board of pharmacy may establish other qualifications by which a person may ultimately be qualified and licensed to practice in Missouri.

338.070. 1. The board of pharmacy shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to [section 536.021] **chapter 536**, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter. All fees shall be paid before an applicant may be admitted to examination or his or her name placed upon the register of pharmacists, or before any license or permit, or any renewal thereof, is issued by the board.

2. All fees payable [under] **pursuant to** the provisions of this chapter shall be collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of the fund to be known as the "Board of Pharmacy Fund".

3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

4. Notwithstanding any other provisions of this chapter to the contrary, the board of pharmacy is not required to collect or process fees required for testing, if the fees are paid by license applicants or licensees directly to a testing service and if no part of the fee is remitted to the board from the testing service.

338.100. 1. Every permit holder of a licensed pharmacy shall cause to be kept in a uniform fashion consistent with this section a suitable file in which shall be preserved, for a period of not less than [five] **three** years, the original or order of each drug which has been compounded or dispensed at such pharmacy, numbering, dating and filing them in the order in which they are compounded or dispensed, and shall produce the same in court or before any grand jury whenever lawfully required. The pharmacist in charge shall be responsible for complying with the permit holder's record keeping system in compliance with this section. **Records maintained by a pharmacy that contain medical or drug information on patients or their care shall be considered as confidential.** Upon request, the pharmacist in charge of such pharmacy shall furnish to the prescriber, and may, except when otherwise instructed by the prescriber, furnish to

the person for whom such prescription was compounded or dispensed, a true and correct copy of the original prescription[, and]. The file of original prescriptions **and other confidential records, as defined by law**, shall at all times be open for inspection by **board of pharmacy representatives or** duly authorized officers of the law.

2. An institutional pharmacy located in a hospital shall be responsible for maintaining records of the transactions of the pharmacy as required by federal and state laws and as necessary to maintain adequate control and accountability of all drugs. This shall include a system of controls and records for the requisitioning and dispensing of pharmaceutical supplies where applicable to patients, nursing care units and to other departments or services [on] **of** the institution. Inspection performed pursuant to this subsection shall be consistent with the provisions of section 197.100, RSMo.

338.120. Annually the board of pharmacy shall organize by the election of a president and [secretary] **vice-president** who shall hold their offices for one year and until their successors shall have been elected and qualified.

338.130. 1. [The secretary, if a member of the board, shall receive such salary as is prescribed by the board of pharmacy not to exceed the sum of five hundred dollars monthly and his necessary expenses while engaged in the performance of his official duties.] Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of [his] **the member's** expenses necessarily incurred in the discharge of [his] **the member's** official duties.

2. The board may employ such board personnel, as defined in subdivision (4) of subsection [16] **15** of section 620.010, RSMo, as it deems necessary to carry out the provisions of this chapter. The compensation and expenses of such personnel and all expenses incurred by the board in carrying into execution the provisions of this chapter, shall be paid out of the board of pharmacy fund upon a warrant on the state treasurer.

338.140. 1. The board of pharmacy shall have a common seal, and shall have power to adopt such rules and bylaws not inconsistent with law as may be necessary for the regulation of its proceedings and for the discharge of the duties imposed [under] **pursuant to** sections 338.010 to [338.190] **338.198**, and shall have power to employ an attorney to conduct prosecutions or to assist in the conduct of prosecutions [under] **pursuant to** sections 338.010 to [338.190] **338.198**.

2. The board shall keep a record of its proceedings.

3. The board of pharmacy shall make annually to the governor and, upon written request, to persons licensed [under] **pursuant to** the provisions of this chapter a written report of its proceedings.

4. The board of pharmacy shall appoint an advisory committee composed of five members, one of whom shall be a representative of pharmacy but who shall not be a member of the pharmacy board, three of whom shall be representatives of wholesale drug distributors as defined in section 338.330, and one of whom shall be a representative of drug manufacturers. The committee shall review and make recommendations to the board on the merit of all rules and regulations dealing with pharmacy distributors, wholesale drug distributors and drug manufacturers which are proposed by the board.

5. A majority of the board shall constitute a quorum for the transaction of business.

6. Notwithstanding any other provisions of law to the contrary, the board may issue letters of reprimand, censure or warning to any holder of a license or registration required pursuant to this chapter for any violations that could result in disciplinary action as defined in section 338.055. The board may impose limitations, conditions or restrictions on a license or registration that is reprimanded pursuant to this section.

338.220. 1. It shall be unlawful for any person, copartnership, association [or], corporation **or any other business entity** to open, establish, operate or maintain any pharmacy, as defined by statute without first obtaining a permit to do so from the Missouri board of pharmacy. **The following classes of pharmacy permits are hereby established:**

(1) Class A: Community/Ambulatory;

- (2) **Class B: Hospital;**
- (3) **Class C: Long-term care;**
- (4) **Class D: Home health care;**
- (5) **Class E: Radiopharmaceutical;**
- (6) **Class F: Renal Dialysis; and**
- (7) **Class G: Medical gas.**

2. Application for such permit shall be made upon a form furnished to the applicant; shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration; and shall be accompanied by a permit fee. The permit issued shall be renewable upon payment of a renewal fee. Separate applications shall be made and separate permits required for each pharmacy opened, established, operated or maintained by the same owner.

3. All permits or renewal fees collected [under] **pursuant to** the provisions of sections 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general assembly.

338.285. The board is hereby authorized and empowered, when examination or inspection of a pharmacy shall disclose to the board that the pharmacy is not being operated or conducted according to such legal rules and regulations and the laws of Missouri with respect thereto, to cause a complaint to be filed before the administrative hearing commission pursuant to **section 338.055 and** chapter 621, RSMo, charging the holder of a permit to operate a pharmacy with conduct constituting grounds for **probation**, suspension or revocation of his permit.

338.353. 1. The board of pharmacy is hereby authorized and empowered, when complaints, examinations or inspection of a wholesale drug distributor or pharmacy distributor disclose to the board that a wholesale drug distributorship or pharmacy distributorship is not being operated or conducted according to such legal rules and regulations and the laws of Missouri or any other state or the federal government with respect thereto, to cause a complaint to be filed before the administrative hearing commission pursuant to **section 338.055 and** chapter 621, RSMo, charging the holder of a license to operate a drug distributorship or pharmacy wholesale operation constituting grounds for probation, suspension or revocation of the distributor license.

2. If the board concludes that a wholesale drug distributor or pharmacy distributor has committed an act or is engaging in a course of conduct which constitutes a clear and present danger to the public health and safety in Missouri, the board may file a complaint before the administrative hearing commission requesting an expedited hearing and specifying the activities which give rise to the danger and the nature of the proposed restriction or suspension of the wholesale drug distributor's or pharmacy distributor's license. Within fifteen days after service of the complaint on a wholesale drug distributor or pharmacy distributor, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged activities of the wholesale drug distributor or pharmacy distributor appear to constitute a clear and present danger to the public health and safety which justify that the wholesale drug distributor's or pharmacy distributor's license be immediately restricted or suspended. The burden of proving that a wholesale drug distributor or pharmacy distributor is a clear and present danger to the public health and safety shall be upon the state board of pharmacy. The administrative hearing commission shall issue its decision immediately after the hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss the action.

3. If the administrative hearing commission grants temporary authority to the board to restrict or suspend the wholesale drug distributor's or pharmacy distributor's license, such temporary authority of the board shall become final authority if there is no request by the wholesale drug distributor or pharmacy distributor for a full hearing within thirty days of the preliminary hearing. The administrative hearing commission shall, if requested by the wholesale drug distributor or pharmacy distributor named in the complaint, set a date to hold a full hearing under the provisions of

chapter 621, RSMo, regarding the activities alleged in the initial complaint filed by the board.

4. If the administrative hearing commission dismisses the action filed by the board pursuant to subsection 2 of this section, such dismissal shall not bar the board from initiating a subsequent action on the same grounds.

338.365. 1. Upon proper application by the board of pharmacy, a court of competent jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required [in sections 338.010 to 338.370] **by this chapter** upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license[.]; **or**

(2) **Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a probability of serious danger to the health, safety or welfare of any resident of the state or client or patient.**

2. Any such actions shall be commenced either in the county in which such conduct occurred or in the county in which defendant resides.

3. Any action brought [under] **pursuant to** this section shall be in addition and not in lieu of any penalty provided by law and may be brought concurrently with other actions to enforce this chapter."

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 392**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 253**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 234**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 158**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 66**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 293**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Joseph M. Ojile, M.D. for the Advisory Commission for Registered Physician Assistants, submitted to you on March 27, 1997. Line 3 should be amended to read:

for a term ending March 27, 2000

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Trina V. Fleming for the Advisory Commission for Registered Physician Assistants, submitted to you on March 27, 1997. Line 3 should be amended to read:

for a term ending March 27, 2000

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above addendums to the Committee on Gubernatorial Appointments.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

REFERRALS

President Pro Tem McKenna referred **HCS** for **HB 114** to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

HB 95, introduced by Representative Long, entitled:

An Act to repeal section 190.308, RSMo Supp. 1996, relating to emergency 911 service, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Russell.

On motion of Senator Russell, **HB 95** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Banks	Curls	Scott--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

HB 125, with **SCA 1**, introduced by Representative Heckemeyer, entitled:

An Act to repeal section 85.541, RSMo 1994, relating to certain municipal police departments, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Staples.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **HB 125**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Graves moved that motion lay on the table, which motion prevailed.

HB 609, introduced by Representative Summers, entitled:

An Act relating to special road districts.

Was called from the Consent Calendar and taken up by Senator Graves.

On motion of Senator Graves, **HB 609** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Nays--Senators--None

Absent--Senators--Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HB 566, with **SCA 1**, introduced by Representative Treadway, entitled:

An Act relating to school bus drivers, with penalty provisions and an effective date.

Was called from the Consent Calendar and taken up by Senator Scott.

SCA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **HB 566**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Nays--Senators--None

Absent--Senators--Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 689, introduced by Representative Foley, entitled:

An Act to repeal section 99.340, RSMo 1994, relating to land clearance for redevelopment authority commissioners, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 689** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

HB 651, introduced by Representative Schilling, entitled:

An Act to authorize the governor to convey certain property of Southwest Missouri State University in Greene County, Missouri, to the city of Springfield.

Was called from the Consent Calendar and taken up by Senator Bentley.

On motion of Senator Bentley, **HB 651** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Bentley moved that **SB 225** and **SB 3**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 225** and **3**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 225 and 3

An Act to repeal sections 192.016, 193.125, 210.491, 211.444, 211.447, 453.005, 453.010, 453.014, 453.015, 453.025, 453.030, 453.040, 453.065, 453.070, 453.073, 453.075, 453.080, 453.110, 453.170, and 568.175, RSMo 1994, and sections 210.109 and 453.060, RSMo Supp. 1996, relating to adoption, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Bentley moved that **SCS** for **SBs 225** and **3** be adopted.

Senators Bentley and Sims offered **SS** for **SCS** for **SBs 225** and **3**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 225 and 3

An Act to repeal sections 192.016, 193.125, 210.491, 211.444, 211.447, 453.005, 453.010, 453.014, 453.015, 453.025, 453.030, 453.040, 453.065, 453.070, 453.073, 453.075, 453.080, 453.110, 453.170, and 568.175, RSMo 1994, and sections 210.109 and 453.060, RSMo Supp. 1996, relating to adoption, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions.

Senator Bentley moved that **SS** for **SCS** for **SBs 225** and **3** be adopted.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate - Bills Nos. 225 and 3, Page 18, Section 211.447, Line 3 of said page, by inserting immediately before the word "specific" the following: "**committing a**"; and further amend line 4 of said page, by striking the following: "spousal abuse" and inserting in lieu thereof the following: "**abuses as defined in section 455.010, RSMo,**".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Ehlmann offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 225 and 3, Page 18, Section 211.447, Line 1, by adding immediately after said line the following:

"(5) The child was conceived and born as a result of an act of forcible rape. When the biological father has pled guilty to, or is convicted of, the forcible rape of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termin-ation of the biological father's parental rights; or"; and

Further amend by renumbering the remaining subsection accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 225 and 3, Page 26, Section 453.030, Line 14, by inserting after the word "persons" the words: "who are present at the execution"; and amend line 15, by inserting after the word "thereon" the words: "and who determine and certify that the consent is knowingly and freely given"; and amend page 14, Section 211.444, line 11, by inserting after "persons" the words: "who are present at the execution"; and amend line 12, by inserting after "thereon" the words "and who determine and certify that the consent is knowingly and freely given".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Bentley moved that **SS** for **SCS** for **SBs 225** and **3**, as amended, be adopted, which motion prevailed.

On motion of Senator Bentley, **SS** for **SCS** for **SBs 225** and **3**, as amended, was declared perfected and ordered printed.

SB 282 was placed on the Informal Calendar.

Senator Russell moved that **SB 376**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 376**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 376

An Act to amend chapter 306, RSMo, by adding thereto five new sections relating to the regulation of vessels, with penalty provisions and an emergency clause.

Was taken up.

Senator Russell moved that **SCS** for **SB 376** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **SB 376** was declared perfected and ordered printed.

Senator Flotron moved that **SJR 6** be taken up for perfection, which motion prevailed.

Senator Flotron offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 6, Page 1, In the Preamble, Line 2, by striking "the first Tuesday in April, 1997"; and inserting in lieu thereof the following: "Tuesday next following the first Monday in November, 1998".

Senator Flotron moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

At the request of Senator Flotron, **SA 1** was withdrawn.

Senator Flotron offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Joint Resolution No. 6, Page 1, In the Preamble, Line 2, by striking "on the first Tuesday in April, 1997" and inserting in lieu thereof the following: "at an election to be called by the governor for that purpose".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Joint Resolution No. 6, Page 1, Section A, Line 2, by adding at the end thereof: "and no proposal shall be submitted or have effect by a constitutional salary commission upon the affirmative vote of this amendment".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Flotron, **SJR 6**, as amended, was declared perfected and ordered printed.

Senator Wiggins moved that **SB 5**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 5** was again taken up.

Senator Wiggins moved that **SCS** for **SB 5** be adopted.

Senator Scott assumed the Chair.

Senator Johnson offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 5, Page 2, Section 2, Line 8, by inserting immediately after all of said line the following:

"Section 3. The commission shall allow passengers to board the excursion gambling boats at any time while such boats are docked."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted.

Senator Caskey offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 5, Page 1, Section 3, Line 3, by inserting immediately after said line the following:

"Section 4. Any city or county which has previously voted to conduct gambling games on an excursion gambling boat pursuant to section 313.812, RSMo, may vote to continue or to discontinue all gambling games on any gambling boat. If the voters of such city or county present a petition signed by a number of voters equal to ten percent of those in the city or county who voted in the most recent gubernatorial election, then the governing body of the city or county shall submit such a proposal to the voters of the city or county. Such vote may be held at any general, primary or special election. The ballot submission shall contain, but need not be limited to, the following language:

Shall the City (County) of continue to allow the licensing of gambling boats or floating facilities in the city (county)?

☐ Yes ☐ No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then all gambling games shall continue as before. If a majority of the votes cast thereon are in favor of discontinuing the gambling games, all such gambling games on gambling boats shall cease sixty days from the date of the election."

Senator Caskey moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 1** to **SA 1** is out of order in that it exceeds the scope of **SA 1** and

could stand as an amendment on its own.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Staples assumed the Chair.

Senator Jacob offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 5, Page 2, Section 2, Line 8, by inserting immediately after all of said line the following:

"Section 3. The commission shall allow passengers to board the excursion gambling boats at any time while such boats are docked.

Section 4. Notwithstanding the provisions of Chapter 313, any City or County that has a licensed excursion gambling boat(s) or floating facilities as set forth in Section 313.812(10), upon the motion of the governing body of the city or county, or upon the petition of fifteen percent (15%) of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to filing of the petition, may hold an election, either at a general, primary or special election day, to determine whether the maximum loss provision of Section 313.805(3), which limit the maximum loss per individual player on any gambling excursion, shall apply to gaming licensees in the City or County. The questions shall be submitted in substantially the following form:

Shall the gaming licensees of the City (County) of be exempt from the maximum loss provisions of Section 313.805(3) which limit the maximum loss per individual player on any gambling excursion?

The ballot issues will only become effective when the majority of votes cast in a district as defined herein are in favor of the ballot issue. A "district" is defined as all of the home dock cities or counties that have a licensed excursion gambling boat(s) or floating facilities as set forth in Section 313.812(10) within a twenty (20) mile radius of any gaming licensee at the time of the election. The vote will be cumulative in each district. If a majority of the votes in any district defined herein are in favor of the question, then the Commission may not thereafter in that district enforce or regulate the maximum loss provisions of Section 313.805(3).

If another excursion gambling boat or floating facility is licensed within a district that has already voted in favor of the question, then the Commission may not enforce or regulate the maximum loss provisions of Section 313.805(3) for that licensee. If another excursion gambling boat or floating facility is licensed outside of a district that has already voted in favor of the questions, then the Home Dock City or County of the new licensee becomes a separate district for purposes of this section and for holding an election on the question."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above substitute amendment be adopted.

Senator Caskey raised the point of order that **SSA 1** for **SA 1** is out of order as it is in the third degree.

The point of order was referred to the President Pro Tem.

Senator Flotron raised the point of order that **SSA 1** for **SA 1** is not timely in that there is an amendment pending.

The point of order was referred to the President Pro Tem.

President Pro Tem McKenna ruled both points of order well taken.

SA 1 to SA 1 was again taken up.

Senator Clay assumed the Chair.

Senator Caskey moved that **SA 1 to SA 1** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Kenney, Mathewson and Westfall.

SA 1 to SA 1 was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Ehlmann
Flotron	Goode	Graves	House
Kenney	Kinder	Klarich	Lybyer
Maxwell	Mueller	Rohrbach	Russell
Schneider	Singleton	Westfall--19	

Nays--Senators

Banks	Clay	Curls	DePasco
Howard	Jacob	Johnson	Mathewson
McKenna	Quick	Scott	Sims
Staples	Wiggins	Yeckel--15	

Absent--Senators--None

Absent with leave--Senators--None

At the request of Senator Wiggins, **SB 5**, with **SCS** and **SA 1**, as amended (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Klarich moved that **SB 148**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 148**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 148

An Act to repeal section 381.412, RSMo Supp. 1996, relating to real estate settlement agents, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Klarich moved that **HCS** for **SB 148** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Klarich, **HCS** for **SB 148** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 310**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem McKenna resumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 310**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SB 310, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 24**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 428**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 201**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 285**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 408**, entitled:

An Act relating to energy costs.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 402**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 402, Section 197.400(4), Page 2, Line 13, by deleting ";" and adding the following: ", except for services provided to their own residents by facilities as defined in subdivisions (15), (16) and (17) of section 198.006, RSMo;".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 368**, entitled:

An Act to repeal section 140.170, RSMo Supp. 1996, relating to delinquent property taxes, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 262**.

With House Perfecting Amendment No. 1 and House Committee Amendment No. 1.

HOUSE PERFECTING AMENDMENT NO. 1 TO HOUSE COMMITTEE AMENDMENT NO. 1

Amend House Committee Amendment No. 1 for Senate Bill No. 262, Page 1095 of the House Journal, 11 lines from the bottom of the page, by inserting after said line the following "Further amend said section, line 26, by inserting immediately after the word "hundred" the following "**fifty**".

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 262, Page 7, Section 329.080, Line 23, by striking the word "six" and inserting in lieu thereof the word "**seven**"; and

Further amend said section, line 36, by inserting immediately after the word "hundred" the following "**fifty**"; and

Further amend said section, line 45, by inserting immediately after the word "hundred" the following "**fifty**"; and

Further amend said section, line 46, by inserting immediately after the word "hundred" the following "**fifty**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 242**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 70**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 175**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 194**, entitled:

An Act to repeal sections 50.1020, 50.1130 and 50.1180, RSMo 1994, relating to death benefits for county retirement system members, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 112**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 59**, entitled:

An Act to repeal section 301.210, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 122**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 395**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 58**, entitled:

An Act to repeal section 214.132, RSMo 1994, relating to private burial grounds, and to enact in lieu thereof six new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 371**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 241**, entitled:

An Act to repeal sections 137.021 and 137.555, RSMo 1994, and section 137.016, RSMo Supp. 1996, relating to certain tax levies on property, and to enact in lieu thereof three new sections relating to the same subject.

With House Perfecting Amendment No. 1.

HOUSE PERFECTING AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 241, Page 5, Section 137.555, by deleting the words "**two counties**" and inserting in lieu thereof the words "**one county of the first classification and one county**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 21**.

HOUSE CONCURRENT RESOLUTION NO. 21

WHEREAS, the lack of adequate office space for legislators and staff along with the lack of adequate facilities to conduct hearings, meetings and other legislative functions at our State Capitol has been an issue of major and growing concern for many years; and

WHEREAS, in 1995, Sverdrup Facilities Corporation and its consultants published a comprehensive State Office Space Study and Master Plan after having been requested by the State of Missouri Office of Administration to develop a strategic plan for accommodating space needs for non-institutional offices statewide through Fiscal Year 2004; and

WHEREAS, one of the primary goals of this strategic plan was to address those issues which inhibit the efficient delivery of government services to the citizens of the state; and

WHEREAS, in this State Office Space Study and Master Plan, a specific reference to the State Capitol declared "The State Capitol Building, with the exception of the Senate and House chambers, is suffering from many ill-conceived renovations and overcrowding", and "Many spaces are poorly ventilated, lighted and appointed creating an uncomfortable and unsophisticated office environment"; and

WHEREAS, also in this office space study, it was suggested that the current Missouri Department of Transportation (MODOT) Headquarters Building could be made available to relieve Capitol overcrowding with the construction of a new office building for MODOT; and

WHEREAS, remodeling the existing MODOT Headquarters Building to serve as a "Capitol Annex" is the most viable long-term solution to the problem of Capitol overcrowding that has yet been submitted, however, the earliest that the final implementation of this solution would be realized would, in all likelihood, be the year 2004; and

WHEREAS, one short-term measure that has been implemented to address the problem of inadequate facilities at the Capitol is the appropriation of significant sums of money for the renovation of existing offices that are much too small and crowded to begin with, and which can gain relatively little in the way of becoming more livable and functional after the expenditure of this money; and

WHEREAS, legislators and their staff deserve to work in a safe, comfortable, and adequately-spaced office environment in order to provide the most efficient and effective service possible for the people of Missouri; and legislators, staff, and private citizens are entitled to conduct state business in a safe and comfortable environment when meeting in the various hearing rooms and committee rooms within our State Capitol; and

WHEREAS, expedient measures need to be implemented to provide effective short-term solutions for the problem of overcrowding at the State Capitol; and

WHEREAS, Section 8.460, Revised Statutes of Missouri, subsection 1, states "The board of public buildings may build an office building in the City of Jefferson to house state offices which are presently located in rented quarters within the county of Cole, and they shall remove as many offices from the State Capitol building as the general assembly deems necessary to provide adequate space for its members; and

WHEREAS, Section 8.015, Revised Statutes of Missouri, gives Senate Administration exclusive control over the Senate Chamber, the Senate Committee rooms, the offices of the members of the Senate at the State Capitol, and all other rooms and offices of the State Capitol designed for or assigned by the Board of Public Buildings to the use of the members and officers of the Senate, and states that "No use of any of said quarters other than by the Senate, its members or officers shall be made except with the written consent of the Senator or officer occupying the office rooms and upon the order of the accounts committee"; and

WHEREAS, Section 8.017, Revised Statutes of Missouri, gives the House Committee on Accounts, Operation and Finance exclusive control over the House Chamber, the House Committee rooms, the offices of the members of the House at the State Capitol, and all other rooms and offices of the State Capitol designed for or assigned by the Board of Public Buildings to the use of the members and officers of the House, and states that "No use of any of said quarters other than by the House, its members or officers shall be made except with the written consent of the Representative or officer occupying the office rooms and upon the order of the accounts committee";

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby declare all office rooms, committee rooms, hearing rooms, and all other rooms and facilities within the State Capitol building to be under the domain and control of the Missouri General Assembly through the House Accounts, Operation and Finance Committee and Senate Administration, and further assert the right to reserve any and all of these rooms and facilities for the exclusive use of legislators and legislative staff; and

BE IT FURTHER RESOLVED that the General Assembly hereby calls upon the Office of Administration to take steps bring about the expedient re-location of the Missouri Department of Transportation so that the current MODOT Headquarters building may be renovated to serve as an annex to the State Capitol; and

BE IT FURTHER RESOLVED that the House Committee on Accounts, Operation and Finance and Senate Administration be directed to coordinate efforts with the Office of Administration to bring about the expedient re-location of the Missouri Department of Transportation; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies

of this resolution for the Commissioner of Administration, the House Committee on Accounts, Operation and Finance, and for Senate Administration.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 24**.

HOUSE CONCURRENT RESOLUTION NO. 24

WHEREAS, the members of the Missouri General Assembly are deeply concerned about the large increases in home heating bills that the citizens of Missouri have experienced this winter; and

WHEREAS, the price charged by unregulated suppliers for natural gas has increased this winter at an unprecedented rate, resulting in gas bills for many families that are two or three times higher than last year's bills; and

WHEREAS, many constituents of the Missouri legislature are undergoing significant financial hardship as a direct result of having to pay dramatically increased heating costs; and

WHEREAS, heat for one's residence in the winter, like food and shelter, is a basic necessity of life that must be made available and accessible to all citizens at affordable rates; and

WHEREAS, the companies that produce and supply natural gas to local gas distribution companies in Missouri are primarily out-of-state large oil companies which are no longer regulated by the federal government; and

WHEREAS, local regulated gas distribution companies in Missouri do not make a profit from the commodity price of gas, but pass those costs to consumers under the regulatory supervision of the Missouri Public Service Commission:

NOW, THEREFORE, BE IT RESOLVED that the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby request the United States Congress to expediently conduct federal hearings and investigations to fully determine all factors responsible for the rapidly rising cost of the natural gas commodity and to ascertain the degree to which this rising cost is necessary as implemented by unregulated suppliers of natural gas; and

BE IT FURTHER RESOLVED that the Missouri General Assembly further requests the United States Congress to act upon the information obtained from these hearings and investigations by establishing appropriate public policies to protect constituents of Missouri and other states from uncontrolled increases in the natural gas commodity in the future; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 27**.

HOUSE CONCURRENT RESOLUTION NO. 27

WHEREAS, moneys appropriated by the Missouri General Assembly for the University of Missouri represent a substantial portion of the state's annual operating budget; and

WHEREAS, under the current budget allocation system for the University of Missouri, there are questions concerning how efficiently and how effectively these moneys are being appropriated; and

WHEREAS, it is the position of the General Assembly that in order to provide greater accountability and expenditure information to the taxpayers of Missouri, the University of Missouri should provide detailed budget requests for submission to the General Assembly:

NOW, THEREFORE, BE IT RESOLVED that the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby call upon the President of the University of Missouri to include in his annual budget requests for each fiscal year a summary of the requests for each of the major units (campuses, extension, and system-wide administration) of the university; and

BE IT FURTHER RESOLVED that the General Assembly further calls upon the Board of Curators of the University of Missouri, following action by the General Assembly and the Governor on the President's request, to consider an overall operating budget for the fiscal years including all sources of income, state and non-state; and

BE IT FURTHER RESOLVED that the General Assembly further requests that any operating budget presented to and acted upon by the Board of Curators include a clear indication of relationship to the previously submitted budget request and to the appropriation; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the Board of Curators to supply to the Governor's office and to the leadership of the General Assembly the adopted operating budget along with the additional information pertaining to the previously submitted budget request and appropriation, as part of the University's accountability to the people of Missouri; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the President and the Board of Curators of the University of Missouri.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 29**.

HOUSE CONCURRENT RESOLUTION NO. 29

WHEREAS, the United States Congress has begun deliberations that will lead to reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA); and

WHEREAS, reauthorization of this federal transportation law is critical to the continued maintenance and development of an efficient and safe transportation system for Missouri citizens; and

WHEREAS, an efficient and safe transportation system is essential to the economic prosperity of Missouri citizens; and

WHEREAS, Missouri receives significantly less in federal highway funding than its percentage share of payments into the federal Highway Trust Fund; and

WHEREAS, the General Accounting Office has determined that current federal highway funding formulas do not adequately account for state highway needs and uses outdated factors for distributing funds among the states; and

WHEREAS, reauthorization of ISTEA presents a critical opportunity to develop equitable and fair highway distribution formulas and ensure appropriate return of federal highway moneys to Missouri; and

WHEREAS, adequate support for the National Highway System is necessary to provide mobility and economic benefits to Missouri citizens and to ensure that Missouri is connected to the rest of the nation with a modern transportation system:

NOW, THEREFORE, BE IT RESOLVED that the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that the Congress of the United States should enact, prior to expiration of ISTEA, legislation to reauthorize a strong intermodal transportation system; and

BE IT FURTHER RESOLVED that the Congress of the United States, in reauthorization of ISTEA, should correct the inequitable federal highway funding formulas; and

BE IT FURTHER RESOLVED that the Congress of the United States should develop federal highway funding formulas that recognize the pressing highway needs of Missouri and return an increased share of federal highway moneys to Missouri; and

BE IT FURTHER RESOLVED that the Congress of the United States should ensure that such funding formulas provide at least a ninety-five percent return on Missouri's contribution to the federal Highway Trust Fund; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 373**, entitled:

An Act to repeal sections 160.534 and 166.300, RSMo Supp. 1996, relating to the school building revolving fund, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 655, regarding Mr. Gerald E. Winship, Lee's Summit, which was adopted.

Senator Scott offered Senate Resolution No. 656, regarding Phyllis Schlafly, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Bob Berlin, Warren Pruitt and Jack Vaughn, Sedalia.

Senator Rohrbach introduced to the Senate, Steven Cowen and Joseph Litwiller, Boonville.

Senator Lybyer introduced to the Senate, fourteen fourth grade students from St. Patrick's School, Rolla; and Brenna Flaherty, Kaitlin Keselis, Sam Steelman and Ajay Rao were made honorary pages.

Senator Flotron introduced to the Senate, Arthur Busekist, and forty seventh through twelfth grade students from Parkway North High School, St. Louis; and Young Paik, Salil Sheth, Martha Sparks and Aaron Fischer were made honorary pages.

Senator Klarich introduced to the Senate, Dave Craig, Wildwood; and Pepe LaPlant, Dutch Borcharding, Gene Brez, Al Westrich, Thomas L. Miller, Tom Fenner, Robert Miller, H. Corky Maschmann, Gary Lucy, Howard Pelster and Leo Curtwright, Washington.

Senator Wiggins introduced to the Senate, Bill Roche, Kansas City.

On behalf of Senator McKenna, the President introduced to the Senate, Krystal Hargis, Kathy Redford, Betty Fox, Barb Allen and Janine Bell, Jefferson County.

Senator Westfall introduced to the Senate, the Physician of the Day, Ben Koon, M.D., Bolivar.

Senator Graves introduced to the Senate, members of the Albany and Bethany Chambers of Commerce.

Senator Russell introduced to the Senate, Lee Eaton, and sixty seventh grade students from Joel E. Barbar School, Lebanon; and Amanda Hodge, Cody Jones, Molly Maggard and Heather Wolken were made honorary pages.

Senator Mueller introduced to the Senate, Pachyderms from around the state.

Senator Ehlmann introduced to the Senate, Jim and Penny Bennett, Earl Ludlow, Mike Hazelbaker, Penny Henke,

Wilbur Brooks and Roland Wetzel, St. Charles County.

Senator Bentley introduced to the Senate, David Schultz, Mel Thompson, Paul Nahon, Mavis Busiek and Bill Kay, Springfield.

Senator McKenna introduced to the Senate, Jim Patmore, and twenty seventh grade students from St. Joseph School, Kimmswick; and Beth Nash, Richard Spicer, Laura Perry and Shannon Selsor were made honorary pages.

Senator Yeckel introduced to the Senate, John Winston and Marilyn Francie, St. Louis.

Senator Bentley introduced to the Senate, Bill Perkin and Tammy Leigh, Springfield.

Senator Klarich introduced to the Senate, Robert and Nadine McDonald, Union.

On behalf of Senator Caskey, the President introduced to the Senate, Angie Voelmeck, and twenty-five seventh and eighth grade students from Leesville R-IX School, Clinton; and Sam Callahan, Tiffany Todd, Genesis Nichols and Erin Snider were made honorary pages.

Senator Westfall introduced to the Senate, Carolyn Harshfield, Chris Thompson, Randy Willard, and thirty-nine sixth grade students from Ash Grove; and Jamison Laird, David Townsend, Jessica Dean and Piper Stacey were made honorary pages.

Senator Westfall introduced to the Senate, Shirley Brown, and thirty-one sixth grade students from Bois D Arc; and Brandon Moore and Nic Carter were made honorary pages.

Senator Ehlmann introduced to the Senate, eighth grade students from St. Theodore's Catholic School, Flint Hill.

On behalf of Senator Lybyer, Senator Rohrbach and himself, Senator Westfall introduced to the Senate, Sam Tatiersky, an Exchange Student from Russia; Natasa Netrioiva and Olga Luchnaskaya, Russia; and Joe and Clay Lincoln, Russellville.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SEVENTH DAY--WEDNESDAY, APRIL 23, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we know You are a God who answers prayer. The people gathered here are a people of prayer. We believe You can change minds, influence people and accomplish great things. Our prayer is to guide us to use the time left in this session to change lives, enrich people and improve our quality of life. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Staples offered Senate Resolution No. 657, regarding Mr. Harry Henneman, St. Louis, which was adopted.

Senator Staples offered Senate Resolution No. 658, regarding Mr. R. Max Frye, St. Joseph, which was adopted.

Senator Schneider offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 659

WHEREAS, the members of the Missouri Senate are continually impressed with the level of dedication exhibited by such longstanding and highly-regarded leaders in this state as Mr. Gerald E. Winship of Lee's Summit; and

WHEREAS, Gerald Winship, President of Winship Travel Agency and former Missouri State Senator for the 16th District, merits special praise for his many years of outstanding public service and civic involvement which have had a profound and lasting impact on improving the quality of life for all Missourians; and

WHEREAS, past Vice President and Director of Public Relations for both the Bank of Independence and for the Farm & Home Savings & Loan Association, Mr. Winship entered the political arena in 1966 when Governor Warren E. Hearnes appointed him member and Secretary of the Jackson County Election Board, in which capacity he served faithfully and well until 1974, when he was appointed by Governor Christopher S. Bond to serve as Chairman of the Election Board; and

WHEREAS, prior to his election to the Missouri Senate, Gerald Winship earned further recognition for his leadership as Chairman for the State of Missouri, 1976 Republican National Convention in Kansas City, and as Chairman of the Airport Welcoming Committee for Delegates and Guests; and

WHEREAS, while serving as State Senator representing the areas of Independence, Blue Springs, and Lee's Summit, Gerald Winship faithfully addressed the needs and concerns of his constituents and made history as the Senator who cast the deciding vote in passing the last salary increase for judges, statewide officials, and legislators; and

WHEREAS, the 1980 Republican candidate for the office of State Treasurer, Mr. Winship has maintained an extensive record of community involvement that includes his efforts as a member of the Kansas City Royals Baseball Royal Lancers Group, the Chamber of Commerce, YMCA, Rotary Club, RLDS Men's Club, John Knox Village Board, Park College Board of Directors, and many other boards, commissions, and organizations:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, join unanimously in extending a most cordial welcome to Gerald Winship, his wife, Dr. Sally Winship; and his son, Steve, as they visit the state capitol, and extend to him our best wishes for many more years of success and happiness; and further, that the flag be flown over the State Capitol today in his honor, and hereafter on this date annually into perpetuity; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mr. Gerald E. Winship, as a measure of our esteem for him.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 660

WHEREAS, the members of the Missouri Senate welcome every opportunity to celebrate the achievements of the students and professors at our state's institutions of higher learning; and

WHEREAS, the Missouri Senate values well-reasoned debate as an important instrument for the processes of the democratic framework, and take special pride in recognizing the accomplishments and special talents of intercollegiate debaters; and

WHEREAS, on March 31, 1997, the University of Missouri-Kansas City Debate Squad brought tremendous honor and recognition to the university and the state of Missouri by winning their third National Debate Championship in four years; and

WHEREAS, UMKC ranked number one in the nation, ahead of such fine schools as Michigan State University, Northwestern University, Southern Illinois University and the United States Military Academy, and defeated two hundred and thirty-seven other colleges and universities in the Cross Examination Debate Association; and

WHEREAS, UMKC debate teams won tournaments at Southwestern Missouri State University, California State University at Sacramento, the University of Central Oklahoma, the University of Utah, and closed out the MidAmerica Regional tournament on their way to capturing the 1997 Cross Examination Debate Association National Sweepstakes Award, which recognizes the college program that won the most debates over the course of the 1996-97 season; and

WHEREAS, this prestigious National Championship testifies to the exceptional skill and determination of the individual debaters Jenny Barker, Scott Betz, Josh Coffman, Casie Collignon, Eric Jenkins, Myron King, Monte Stevens, and Adam Whyte; and

WHEREAS, the outstanding success of the UMKC Debate Squad would not have been possible without the input and guidance of Director of Debate Linda M. Collier, Assistant Director of Debate Lea Farstveet, and Assistant Coaches Elizabeth Repko, David Genco and Brian Johnston; and

WHEREAS, UMKC debater Jenny Barker was named the eighth-best speaker out of four hundred competitors, and Eric Jenkins was named the tenth-best speaker out of four hundred competitors at the national tournament and was also named to the All-American Debate Squad, and Monte Stevens was named the eleventh-best speaker out of the four hundred competitors at the national tournament, and Scott Betz was named to the National Scholastic Debate Team;

NOW, THEREFORE, BE IT RESOLVED, that we, the members of the Missouri Senate, Eighty-Ninth General Assembly, unanimously join in extending our hearty congratulations and best wishes to the debate squad in recognition of this truly significant achievement, and further extend our very best wishes for continued success; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each member of this national championship squad and for each of their directors and coaches, as a measure of our esteem for them.

REFERRALS

President Pro Tem McKenna referred **HCR 21**, **HCR 24**, **HCR 27** and **HCR 29** to the Committee on Rules, Joint Rules and Resolutions.

HOUSE BILLS ON THIRD READING

HB 540, introduced by Representative Bray, entitled:

An Act to repeal section 475.120, RSMo 1994, relating to guardianship of a minor, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Sims.

On motion of Senator Sims, **HB 540** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls	Singleton--2
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 309, introduced by Representative Treadway, entitled:

An Act to repeal sections 329.040, 329.045, 329.080 and 329.085, RSMo Supp. 1996, relating to the licensing and regulation of cosmetologists, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Banks.

On motion of Senator Banks, **HB 309** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Curls--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 727, introduced by Representative McBride, entitled:

An Act to repeal section 559.021, RSMo 1994, relating to community service, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 727** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Curls--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

HB 249, with **SCA 1**, introduced by Representative Kreider, entitled:

An Act to repeal sections 190.305 and 190.329, RSMo Supp. 1996, relating to emergency telephone service, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Childers.

SCA 1 was taken up.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Childers, **HB 249**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
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Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls Schneider--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

HB 300, introduced by Representative Barry, entitled:

An Act to repeal section 565.250, RSMo Supp. 1996, relating to invasion of privacy, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Yeckel.

On motion of Senator Yeckel, **HB 300** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 213, introduced by Representative Treadway, entitled:

An Act to repeal section 339.770, RSMo Supp. 1996, relating to intersectional reference in real estate broker disclosure statute, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 213** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 713, introduced by Representatives Davis (63) and Murray, entitled:

An Act relating to disposition of a stillborn child, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator DePasco.

On motion of Senator DePasco, **HB 713** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Jacob--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

HB 773, introduced by Representative McBride, entitled:

An Act relating to motor vehicles, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Lybyer.

Senator Wiggins assumed the Chair.

On motion of Senator Lybyer, **HB 773** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--Flotron--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Childers	Flotron	Schneider	Scott--4
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Absent with leave--Senators--None

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

HB 783, introduced by Representative Stoll, entitled:

An Act to repeal section 302.171, RSMo Supp. 1996, relating to motor vehicle drivers' licenses, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator McKenna.

On motion of Senator McKenna, **HB 783** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Graves	Staples--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator House moved that **SJR 19** be taken up for perfection, which motion prevailed.

Senator Johnson announced that photographers from The Riverfront Times had been given permission to take pictures in the Senate Chamber today.

Senator Staples assumed the Chair.

Senator Ehlmann offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 19, Page 2, Section 40, Line 33, by deleting the brackets on said line and adding after the word "districts;" the following "except that existing school districts may be subdivided into smaller school districts".

Senator Ehlmann moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator House moved that **SJR 19** be declared perfected and ordered printed, which motion failed.

PRIVILEGED MOTIONS

Senator House moved that **SB 155**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Johnson assumed the Chair.

Senator House moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Singleton	Staples--2
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Absent with leave--Senators--None

On motion of Senator House, **SB 155**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	McKenna	Staples--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 28**.

HOUSE CONCURRENT RESOLUTION NO. 28

WHEREAS, in recent years, the rail transportation service provided by Amtrak between St. Louis and Kansas City has been jeopardized by low levels of patronage which have made the service unprofitable to Amtrak; and

WHEREAS, in order to rectify this situation, the State of Missouri has begun providing subsidies to Amtrak in order to keep the service from St. Louis to Kansas City operating at its current level; and

WHEREAS, on March 15, 1997, Amtrak refused to allow members of the Jackson County Wheelmen, a local bicycle club, and other area cyclists, to take their bicycles on the train from Independence to Sedalia, where they wished to ride on the KATY Trail; and

WHEREAS, Amtrak currently has regulations in place forbidding bicycles to be rolled on board its passenger trains in the Midwest due to concerns about space; and

WHEREAS, bicyclists have proposed viable solutions to this problem of storage; and

WHEREAS, cyclists wishing to board Amtrack in Missouri with their bicycles are seeking to take advantage of the Amtrak line's close proximity to the KATY Trail, where Amtrack could provide convenient access for cyclists to the trail at Sedalia, Jefferson City, Hermann, and Washington; and

WHEREAS, were Amtrak to revise its policy to allow cyclists to board passenger trains in the Midwest with their bicycles, the new service could substantially increase Amtrack's low usage and thereby save taxpayers money in the future; and

WHEREAS, the Missouri Department of Natural Resources has estimated that 300,000 people used the KATY Trail last year, a large portion of whom were cyclists; and

WHEREAS, last year, the State of Missouri subsidized Amtrak in the amount of \$3.6 million, and Amtrack is again seeking a substantial state subsidy in 1997; and

WHEREAS, as a condition for the continued subsidization of Amtrack with taxpayer money, the company should make every reasonable effort to meet the needs and desires of its customers and potential customers as a means toward operating with a greater degree of efficiency and profitability:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby call upon Amtrak to modify its current policy in order to allow cyclists to bring their bicycles on board its passenger trains in Missouri; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Amtrak.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCA 1** to **HB 327** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 125** and has again taken up and passed **HB 125** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 566** and has again taken up and passed **HB 566** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 709** and has again taken up and passed **SCS** for **HB 709**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 520** and has again taken up and passed **HB 520** as amended.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 661, regarding Sarah Derhake, St. Louis, which was adopted.

Senators Staples and Sims offered Senate Resolution No. 662, regarding Heather Keith, Sulphur Springs, which was adopted.

Senators Scott and Sims offered Senate Resolution No. 663, regarding Jennifer Neumann, St. Louis, which was adopted.

Senators Scott and Sims offered Senate Resolution No. 664, regarding Katherine Rodi, St. Louis, which was adopted.

Senators Scott and Sims offered Senate Resolution No. 665, regarding Jennifer Shew, St. Louis, which was adopted.

Senators Scott and Sims offered Senate Resolution No. 666, regarding Michele Hayes, St. Louis, which was adopted.

Senators Scott and Sims offered Senate Resolution No. 667, regarding Joanna Wokurka, St. Louis, which was adopted.

Senators Scott and Sims offered Senate Resolution No. 668, regarding Brianna Carter, St. Louis, which was adopted.

Senators Ehlmann and Sims offered Senate Resolution No. 669, regarding Kelly Bauer, St. Peters, which was adopted.

Senators Ehlmann and Sims offered Senate Resolution No. 670, regarding Marie Livergood, Lake St. Louis, which was adopted.

Senators Mueller and Sims offered Senate Resolution No. 671, regarding Stacy Stevens, Fenton, which was adopted.

Senators Mueller and Sims offered Senate Resolution No. 672, regarding Alyssa Barker, Fenton, which was adopted.

Senators Mueller and Sims offered Senate Resolution No. 673, regarding Michelle Toole, Fenton, which was adopted.

Senators Mueller and Sims offered Senate Resolution No. 674, regarding Whitney Lyn, St. Louis, which was adopted.

Senators Schneider and Sims offered Senate Resolution No. 675, regarding Rebecca Jackson, Florissant, which was adopted.

Senators House and Sims offered Senate Resolution No. 676, regarding Amanda Licklider, St. Charles, which was adopted.

Senators House and Sims offered Senate Resolution No. 677, regarding Kristin Manes, St. Charles, which was adopted.

Senators House and Sims offered Senate Resolution No. 678, regarding Darla Brassel, Wentzville, which was adopted.

Senators House and Sims offered Senate Resolution No. 679, regarding Audrey Gecas, Warrenton, which was adopted.

Senators House and Sims offered Senate Resolution No. 680, regarding Christine E. Clark, Warrenton, which was adopted.

Senators House and Sims offered Senate Resolution No. 681, regarding Athena Schenck, Warrenton, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 682, regarding Victoria Viefhaus, Eureka, which was

adopted.

Senators Klarich and Sims offered Senate Resolution No. 683, regarding Leddy G. Glenn, Eureka, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 684, regarding Sue Shafferkoetter, Sullivan, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 685, regarding Sonya Tucker, Sullivan, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 686, regarding Wendy Buchholz, Washington, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 687, regarding Beth Thome, Ellisville, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 688, regarding Wendy Wildberger, Washington, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 689, regarding Elizabeth Smith, Union, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 690, regarding Gabrielle Lynn Farley, Eureka, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 691, regarding Mandy Glenn, Eureka, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 692, regarding Ann Louise Edler, Ellisville, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 693, regarding Joan Marie Klinger, Stanton, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 694, regarding Erica Louise Hayes, Union, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 695, regarding Margaret Jacobs, Eureka, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 696, regarding Jennifer Denzer, Ballwin, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 697, regarding Theresa Durst, Ballwin, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 698, regarding Christina Altholz, Union, which was adopted.

Senators Klarich and Sims offered Senate Resolution No. 699, regarding Amy Altholz, Union, which was adopted.

Senators McKenna and Sims offered Senate Resolution No. 700, regarding Tonya Thompson, Barnhart, which was adopted.

Senators McKenna and Sims offered Senate Resolution No. 701, regarding Angela Margaret Crews, Barnhart, which was adopted.

Senators McKenna and Sims offered Senate Resolution No. 702, regarding Holly Pierce, Imperial, which was

adopted.

Senators McKenna and Sims offered Senate Resolution No. 703, regarding Jennifer Mathes, High Ridge, which was adopted.

Senators McKenna and Sims offered Senate Resolution No. 704, regarding Leah Fischer, Barnhart, which was adopted.

PRIVILEGED MOTIONS

Senator Caskey moved that **SCS** for **SB 194**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 194**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 194

An Act to repeal sections 50.1020, 50.1130 and 50.1180, RSMo 1994, relating to death benefits for county retirement system members, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **HCS** for **SCS** for **SB 194** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Caskey	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28

Nays--Senators--None

Absent--Senators

Banks	Bentley	Childers	Clay
Curls	Schneider--6		

Absent with leave--Senators--None

On motion of Senator Caskey, **HCS** for **SCS** for **SB 194** was read the 3rd time and passed by the following vote:

Yeas--Senators

Caskey	Childers	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators--None

Absent--Senators

Banks	Bentley	Clay	Curls
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Schneider--5

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mathewson moved that **SB 375**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 375**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 375

An Act to repeal sections 409.301, 409.403 and 409.415, RSMo 1994, and sections 409.201, 409.202, 409.203 and 409.401, RSMo Supp. 1996, relating to the Missouri uniform securities act, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **HCS** for **SB 375** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Banks	Clay	Curls	Schneider--4
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Absent with leave--Senators--None

On motion of Senator Mathewson, **HCS** for **SB 375** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay	Mueller	Schneider--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 438, introduced by Representative Fritts, entitled:

An Act to amend chapter 181, RSMo, by adding thereto one new section relating to the establishment of the Wolfner library trust fund.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 438** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay	Schneider--2
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Jacob moved that **SCS** for **SB 408**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 408**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 408

An Act relating to energy costs.

Was taken up.

Senator Jacob moved that **HCS** for **SCS** for **SB 408** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay	Schneider--2
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Absent with leave--Senators--None

On motion of Senator Jacob, **HCS** for **SCS** for **SB 408** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay Schneider Scott--3

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Graves moved that **SB 58**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 58**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 58

An Act to repeal section 214.132, RSMo 1994, relating to private burial grounds, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

Senator Graves moved that **HCS** for **SB 58** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay Lybyer Schneider--3

Absent with leave--Senators--None

On motion of Senator Graves, **HCS** for **SB 58** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay Schneider--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Graves moved that **SB 59**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 59**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 59

An Act to repeal section 301.210, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Graves moved that **HCS** for **SB 59** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay	Curls	Johnson--3
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Absent with leave--Senators--None

On motion of Senator Graves, **HCS** for **SB 59** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay	Johnson	Staples--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Rohrbach moved that **SB 353**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Clay	Curls	Johnson	Lybyer--4
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Absent with leave--Senators--None

On motion of Senator Rohrbach, **SB 353**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples

Westfall Wiggins Yeckel--31

Nays--Senators--None

Absent--Senators

Clay Curls Johnson--3

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay Curls Johnson--3

Absent with leave--Senators--None

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Singleton moved that **SB 34**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 34**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 34

An Act relating to the conveyance of certain real property.

Was taken up.

Senator Singleton moved that **HCS** for **SB 34**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Clay	Curls	Lybyer	Scott--4
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Absent with leave--Senators--None

On motion of Senator Singleton, **HCS** for **SB 34**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay Lybyer--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 147**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Schneider, the above amendment was withdrawn.

At the request of Senator Kinder, **SS** for **SCS** for **SB 147** was withdrawn.

Senator Kinder offered **SS No. 2** for **SCS** for **SB 147**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 147

An Act to repeal sections 57.201, 57.220, 57.221, 57.251, 85.011, 290.140 and 590.500, RSMo 1994, and section 57.250, RSMo Supp. 1996, relating to the rights of certain employees, and to enact in lieu thereof six new sections relating to the same subject.

Senator Kinder moved that **SS No. 2** for **SCS** for **SB 147** be adopted.

Senator Rohrbach raised the point of order that **SS No. 2** for **SCS** for **SB 147** is out of order in that the substitute goes beyond the scope of the original bill.

Senator Wiggins assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Howard offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 147, Page 9, Section 290.140, Line 19, by inserting after said line the following:

"Section 1. The provisions of Section 290.140 shall not apply to any employer engaged in agriculture or to any employee engaged in agricultural labor, as defined in Section 288.034, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator House offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 147, Page 8, Section 590.500, Lines 3-4 of said page, by inserting an opening bracket "[" before the word "which" on line 3 and a closing bracket "]" after "officers" on line 4; and

Further amend said bill and section, page 8, line 20, of said page, by inserting immediately after all of said line the following:

"2. In addition to the procedural rights provided to law enforcement officers described in subsection 1 of this section, any such officer employed by a political subdivision of this state shall be entitled to the same procedural rights provided to deputy sheriffs pursuant to subsections 3 and 4 of this section."; and

Further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill, page and section, line 21, by inserting immediately after the word "sheriff," as it appears for the second time the following: **"chief deputy, or an officer of the rank of major or above,"**; and further amend page 9, line 1, by striking the word "ten" and inserting in lieu thereof the following: **"three working"**; and further amend line 3, by striking the words "fifteen days" and inserting in lieu thereof the following: **"a reasonable time"**; and further amend line 11, by striking "2" and inserting in lieu thereof the following: **"3"**.

Senator House moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Wiggins resumed the Chair.

Senator Singleton offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 147, Page 8, Section 590.500, Line 21, by adding following the words "under sheriff" the following "the chief deputy or command staff"; and

Further amend on line 1, page 9, by striking the word "ten" and adding the words "five working".

Senator Singleton moved that the above substitute amendment be adopted.

Senator House raised the point of order that **SSA 1** for **SA 2** is out of order as it is not a true substitute in that it could be offered as an amendment to the amendment.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Singleton moved that **SSA 1** for **SA 2** be adopted.

Senator House requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2** and was joined in his request by Senators Mathewson, Rohrbach, Russell and Schneider.

SSA 1 for **SA 2** was adopted by the following vote:

Yeas--Senators

Caskey	Childers	Curls	DePasco
Graves	Johnson	Kenney	Kinder
Maxwell	Mueller	Rohrbach	Russell
Scott	Singleton	Staples	Westfall

Yeckel--17

Nays--Senators

Banks	Ehlmann	Flotron	Goode
House	Howard	Jacob	Klarich
Lybyer	Mathewson	McKenna	Quick

Schneider Wiggins--14

Absent--Senators

Bentley	Clay	Sims--3
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Absent with leave--Senators--None

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 147, Page 7, Section 290.140, Line 23, by striking the word "knowingly" and substitute: "knew or should have known that he"; and amend line 24, by inserting after the word "information" the words: "and in such circumstances the employer shall only be liable for damages as may be provided by law as a direct and proximate result of providing false information".

Senator Schneider moved that the above amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Childers, Jacob, Klarich and Schneider.

SA 3 failed of adoption by the following vote:

Yeas--Senators

Caskey	Curls	DePasco	Goode
House	Howard	Jacob	Johnson
Mathewson	Maxwell	McKenna	Quick

Schneider Staples Wiggins--15

Nays--Senators

Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Lybyer	Mueller	Rohrbach	Russell
Scott	Sims	Singleton	Westfall

Yeckel--17

Absent--Senators

Banks Clay--2

Absent with leave--Senators--None

Senator Schneider offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 147, Page 7, Section 290.140, Line 24, by inserting after the word "information" the following: "and in such circumstances the employer shall only be liable for damages as may be provided by law as a direct and proximate result of providing such false information".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Johnson resumed the Chair.

At the request of Senator Kinder, **SB 147**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator McKenna moved that **SB 274**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 274**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 274

An Act to repeal sections 313.540 and 313.660, RSMo 1994, and section 313.655, RSMo Supp. 1996, relating to off-track pari-mutuel wagering, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator McKenna moved that **SCS** for **SB 274** be adopted.

Senator McKenna offered **SS** for **SCS** for **SB 274**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 274

An Act to repeal sections 313.540 and 313.660, RSMo 1994, and sections 313.500 and 313.510, RSMo 1996, relating to off-track pari-mutuel wagering, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

Senator McKenna moved that **SS** for **SCS** for **SB 274** be adopted.

Senator McKenna offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 5, Section 313.656, Lines 6 and 7, by deleting the words "at least four" and adding the words "**up to five**".

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 8, Section 313.657, Line 6 of said page, by inserting immediately after said line the following:

"9. The commission shall not approve the licensee to accept off-track pari-mutuel wagers anywhere except at one of the following locations:

(1) A facility located on an excursion gambling boat as defined in section 313.800 or within fifteen hundred feet of the principal gambling space of an excursion gambling boat; or

(2) Within the enclosure and all associated buildings and permanent or temporary structures where live racing is conducted."

Senator Mathewson moved that the above amendment be adopted.

Senator Caskey offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 1, Section 313.657, Line 9 of said page, by inserting immediately after said line the following:

"10. If the commission accepts a licensee's application to accept off-track pari-mutuel wagers, such licensee shall contribute fifty percent of its proceeds from pari-mutuel wagering to the horse racing commission for the establishment of a horse racing facility in the state of Missouri."

Senator Caskey moved that the above amendment be adopted, which motion failed.

Senator Singleton offered **SA 2** to **SA 2**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 1, Section 313.657, Line 5, by deleting all of lines 5 through 7; and further on line 8 delete "(2)" and insert "(1)".

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator McKenna offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 8, Section 313.657, Line 6 of said page, by inserting immediately after said line the following:

"9. The commission shall approve the licensee to accept off-track pari-mutuel wagers only:

(1) in a county or city that has adopted riverboat gaming or

(2) within the enclosure and all associated buildings and permanent or temporary structures where live racing is conducted."

Senator McKenna moved that the above substitute amendment be adopted, which motion prevailed.

Senator Howard offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 4, Section 313.656, Lines 22 and 23, by deleting the words "thoroughbred or standard-bred" on said lines; and further amend line 24, by deleting "thoroughbred or standard-bred" on said line.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 8, Section 313.658, Line 5 of said section, by striking the following: "If there is an"; and further amend lines 6-8, by striking all of said lines and inserting in lieu thereof the following: **"At the end of such six month period, and thereafter, if the commission finds that it will be compatible with any proposed operations, the commission may issue licenses under the provisions of subsection 2 of this section."**

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 11, Section 313.660.1, Line 10, by adding after "enclosure": "and no other forms of gambling, such as is authorized on riverboats, shall be authorized other than that specifically authorized in this act."

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 3, Section 313.540, Line 24 of said page, by striking "section 536.024" and inserting in lieu thereof the following: "**chapter 536**"; and

Further amend said bill, page 14, section 313.664, line 20 of said page, by inserting immediately after said line the following:

"536.028. 1. The delegation of authority to any state agency to propose to the general assembly rules as provided under this section is contingent upon the agency complying with the provisions of this section and this delegation of legislative power to the agency to propose an order of rulemaking containing a rule or portion thereof that has the effect of substantive law, other than a rule relating to the agency's organization and internal management, is contingent and dependent upon the power of the general assembly to review such proposed order of rulemaking, to delay the effective date of such proposed order of rulemaking until the expiration of at least thirty legislative days of a regular session after such order is filed with the general assembly and the secretary of state, and to disapprove and annul any rule or portion thereof contained in such order of rulemaking.

2. No rule or portion of a rule that has the effect of substantive law shall become effective until the order of rulemaking, in which such rule or portion thereof is contained, has been reviewed by the general assembly in accordance with the procedures provided herein and the agency's authority to propose an order of rulemaking is dependent upon the power of the general assembly to disapprove and annul any such proposed rule or portion thereof as provided herein.

3. In order for the general assembly to have an effective opportunity to be advised of rules proposed by any state agency under the authority of this section, an agency may propose a rule by complying with the procedures provided in section 536.021, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy thereof to the joint committee on administrative rules which may hold hearings upon any proposed rule or portion thereof at any time. The agency shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information within the control of the agency as may be requested.

4. In order to propose an order of rulemaking to the general assembly, the agency shall comply with the provisions of section 536.021, except that the agency may file a proposed order of rulemaking with the secretary of state only by first filing such proposed order with the general assembly by providing a copy thereof to the secretary of the senate and the clerk of the house of representatives. The president pro tem of the senate shall direct that a copy of the proposed order of rulemaking be delivered to the joint committee on administrative rules which may hold hearings thereon. The agency shall cooperate with the committee by providing any witnesses, documents or information within the control of the agency as may be requested.

5. Such proposed order of rulemaking shall not become effective prior to the expiration of thirty legislative days of a regular session after such order is filed with the secretary of state and the general assembly.

6. The committee may, by majority vote of its members, recommend that the general assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and, upon a finding that such rule or portion thereof should be disapproved and annulled upon the following grounds:

(1) Such rule is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity; and

(2) Such rule or portion thereof is not in the public interest or is not authorized by the general assembly for one or more of the following grounds:

(a) An absence of statutory authority for the proposed rule;

(b) The proposed rule is in conflict with state law;

(c) Such proposed rule is likely to substantially endanger the public health, safety or welfare;

(d) The rule exceeds the purpose, or is more restrictive than is necessary to carry out the purpose, of the statute granting rulemaking authority;

(e) A substantial change in circumstance has occurred since enactment of the law upon which the proposed rule is based as to result in a conflict between the purpose of the law and the proposed rule, or as to create a substantial danger to public health and welfare;

(f) The proposed rule is so arbitrary and capricious as to create such substantial inequity as to be unreasonably burdensome on persons affected.

7. Any recommendation or report issued by the committee pursuant to subsection 6 of this section shall be admissible as evidence in any judicial proceeding and entitled to judicial notice without further proof.

8. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and annul any rule or portion thereof upon one or more of the grounds stated in subsection 6 of this section.

9. Any rule or portion thereof not disapproved within thirty legislative days of a regular session pursuant to subsection 8 of this section shall be deemed approved by the general assembly and the secretary of state may publish such order of rulemaking as soon as practicable upon the expiration of thirty legislative days of a regular session after the order of rulemaking was filed with the secretary of state and the general assembly.

10. Upon adoption of such concurrent resolution as provided in subsection 8 of this section, the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor, or vetoed and subsequently acted upon by the general assembly pursuant to article III, section 32 of the Missouri Constitution. If such concurrent resolution is adopted and signed by the governor or reconsidered pursuant to article III, section 32, the secretary of state shall publish in the Missouri Register, as soon as practicable, the order of rulemaking along with notice of the proposed rules or portions thereof which are disapproved and annulled by the general assembly.

11. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable and the delegation of legislative authority to an agency to propose orders of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly to review, to delay the effective date or to disapprove and annul a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking pursuant thereto shall be invalid and void.

12. Nothing in this section shall prevent the general assembly from adopting by bill within thirty legislative days of a regular session the rules or portions thereof, or as the same may be amended, as contained in a proposed order of rulemaking. In that event, the proposed order of rulemaking shall have been superseded and any rule proposed therein shall be void and only such rules adopted by the general assembly and submitted to the governor may become effective. Rules so adopted shall be published by the secretary of state as soon as practicable. In that event, the secretary of state shall not publish the proposed order of rulemaking and such proposed order of rulemaking shall be invalid and void.

13. Upon adoption of any rule now in effect or hereafter promulgated, any such rule or portion thereof may be revoked by the general assembly either by bill, or by concurrent resolution pursuant to article IV, section 8 of the constitution on recommendation of the committee on administrative rules upon the grounds listed in subsection 6 of this section. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the revocation."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 6, Section 313.657.4, Line 4, by inserting after "Missouri" the words: "and unless the applicant is a member in good standing of the Thoroughbred Racing Association of America".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator McKenna moved that **SS** for **SCS** for **SB 247**, as amended, be adopted, which motion prevailed.

Senator McKenna moved that **SS** for **SCS** for **SB 247**, as amended, be declared perfected and ordered printed and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Ehlmann, Kenney and Mathewson.

SS for **SCS** for **SB 274**, as amended, was declared perfected and ordered printed by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Curls
DePasco	Howard	Jacob	Johnson
Mathewson	McKenna	Mueller	Quick
Schneider	Scott	Sims	Wiggins

Yeckel--17

Nays--Senators

Caskey	Childers	Ehlmann	Flotron
Goode	Graves	House	Kenney
Kinder	Klarich	Lybyer	Maxwell
Rohrbach	Russell	Singleton	Westfall--16

Absent--Senators--Staples--1

Absent with leave--Senators--None

CONCURRENT RESOLUTIONS

Senator Schneider moved that **SCR 24** be taken up for adoption, which motion prevailed.

On motion of Senator Schneider, **SCR 24** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Graves	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Goode Staples--2

Absent with leave--Senators--None

Senator DePasco requested unanimous consent of the Senate to allow the Committee on Elections, Pensions and Veterans' Affairs to meet while the Senate is in session, which request was granted.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SCS** for **SBs 225** and **3**; **SJR 6**; and **SCS** for **SB 376**, begs leave to report that it has examined the same and finds that the bills and joint resolution have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SB 319**; **HB 491**, with **SCS**; **HB 229**; and **HS** for **HCS** for **HB 335**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 459**, entitled:

An Act to repeal section 136.055, RSMo 1994, and section 301.030, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 681**, entitled:

An Act to repeal sections 115.013, 115.363 and 115.379, RSMo 1994, and sections 115.127, 115.359, 115.361 and

115.373, RSMo Supp. 1996, relating to elections, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 542**, entitled:

An Act relating to the construction of a correctional facility in a city located in at least four counties, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 318** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon, and the conferees be allowed to exceed the differences only in Section 321.300.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 410**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 69**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 69, Page 3, by adding a new section after line 27 to read as follows:

"Section 3. Section 301.451, RSMo Supp. 1996, is repealed and one new section enacted in lieu thereof, to be known as section 301.451, to read as follows:

301.451. Any person who has been awarded the purple heart medal may apply for special motor vehicle license plates for any vehicle he owns, either solely or jointly, other than commercial vehicles weighing over twelve thousand pounds. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the purple heart medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof, with the words "PURPLE HEART" in place of the words "SHOW-ME STATE" in a form prescribed by the advisory committee established in section 301.129. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. There shall be an additional fee

charged for each set of special purple heart license plates issued equal to the fee charged for personalized license plates, **but the additional fee shall only have to be paid once by the qualified applicant at the time of initial application.** No more than two sets of purple heart license plates shall be issued to a qualified applicant. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered coowner of the motor vehicle shall be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 316**, entitled:

An Act to repeal section 301.210, RSMo 1994, and section 301.025, RSMo Supp. 1996, relating to personal property tax receipts used for motor vehicle registration, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 437**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 373**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 373, Page 1, in the title by inserting after the word "1994," the words "and sections 197.305, 197.313, and 197.318, RSMo, SUPP 1996," and

Further amend said bill in the title, Line 2, by deleting the word "home"; and

Further amend said bill in the title, Line 3, by deleting the words "one new section" and inserting in lieu thereof the words "four new sections"; and

Further amend said bill, Section A, Line 1, by inserting after the word "1994," the words "and sections 197.305, 197.313, and 197.318, RSMo, SUPP 1996," and

Further amend said bill, Section A, Line 2, by deleting the words "one new section" and inserting in lieu thereof the words "four new sections"; and

Further amend said bill, Section A, Line 2, by deleting the word "Section" and inserting in lieu thereof "Sections 197.305, 197.313, 197.318 and"

Further amend said bill, Section A, Line 3, by inserting after said line the following:

"197.305. As used in sections 197.300 to 197.366, the following terms mean:

- (1) "Affected persons", the person proposing the development of a new health care service, the public to be served, the health systems agency and health care facilities within the service area in which the proposed new health care service is to be developed;
- (2) "Agency", the state health planning and development agency of the Missouri department of health;
- (3) "Capital expenditure", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;
- (4) "Certificate of need", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to 197.366;
- (5) "Continuing care retirement community", a continuing care retirement community provides at the same site or location independent housing, long-term health care and other services to older persons not related by blood or marriage to the owner or operator of the continuing care retirement community under an agreement effective for the life of the person or a specified period of time in excess of one year which guarantees or provides priority access to on-site health related long-term care services when needed;
- (6) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;
- (7) "Expenditure minimum" shall mean:
- (a) For **beds in existing or proposed** health care facilities licensed [under] **pursuant to** chapter 198, RSMo, and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment [and new institutional health services as described in subdivision (12), paragraphs (a), (b), (c), (d), (e), (f), and (g), unless such sum exceeds federal regulations], **provided, however, that prior to December 31, 1999, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012, RSMo, shall be zero, subject to the provisions of subsection 7 of section 197.318;**
- (b) For beds or equipment [used to provide twenty-four hour accommodations, board and basic or skilled nursing care and treatment services or beds] in a long-term care hospital meeting the requirements described in 42 C.F.R., section 412.23(e), the expenditure minimum shall be zero[. Nothing in this paragraph shall change or alter the exceptions in paragraphs (e) and (g) of subdivision (12) of this section]; and
- (c) For health care facilities, **new institutional health services** or beds not described in paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures, **excluding major medical equipment**, and one million dollars in the case of medical equipment;
- (8) "Health care facilities", hospitals, health maintenance organizations, tuberculosis hospitals, psychiatric hospitals, professional nursing facilities, practical nursing facilities, residential care facilities I and II, kidney disease treatment centers, including free standing hemodialysis units, **any entity delivering health services whether licensed or unlicensed**, and ambulatory surgical facilities, but excluding the private offices of physicians, dentists and other practitioners of the healing arts, and Christian Science sanatoriums, also known as Christian Science Nursing facilities listed and certified by the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., and facilities of not for profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538, and any residential care facility I or residential care facility II operated by a religious organization qualified [under] **pursuant to** section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;

(9) "Health service area", a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(10) "Health systems agency", a regional health planning agency established pursuant to PL 93-641 and, after December 31, 1981, in accordance with section 1512(b)(1)(B) thereof;

(11) "Major medical equipment", medical equipment used for the provision of medical and other health services;

(12) "New institutional health service":

(a) The development of a new health care facility **costing in excess of the applicable expenditure minimum;**

(b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision (15) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(13) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(14) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(15) "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need.

197.313. A continuing care retirement community, skilled nursing facility or residential care facility I or II may increase its licensed bed capacity by the lesser of ten beds or ten percent [for one] **only once during the** two-year period beginning on July 12, 1996, **and ending on July 11, 1998**. A [skilled nursing] facility's increase in beds [under] **pursuant to** this section shall only be [skilled nursing beds] **within the same licensure category**.

197.318. 1. The provisions of section 197.317 shall not apply to a residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility only where the department of social services has first determined that there presently exists a need for additional beds of that classification because the average occupancy of all licensed and available residential care facility I, residential care facility II, intermediate care facility and skilled nursing facility beds exceeds ninety percent for at least three consecutive calendar quarters, in a particular county, and within a fifteen-mile radius of the proposed facility, and the facility otherwise appears to qualify for a certificate of need. The

department's certification that there is no need for additional beds shall serve as the final determination and decision of the committee. In determining ninety percent occupancy, residential care facility I and II shall be one separate classification and intermediate care and skilled nursing facilities are another separate classification. The provisions of sections 197.300 to 197.366 shall not apply to any of the following:

(1) A residential care facility I or residential care facility II which has received approval by the division of aging of plans for construction of such facility by August 1, 1995, and is licensed by the division of aging by August 1, 1996;

(2) A combined skilled nursing facility and residential care facility I and II located in a tax increment financing district which has received approval by the division of aging of plans for construction of the residential care facility I and II beds by August 1, 1995;

(3) A residential care facility I or residential care facility II which has received approval by the division of aging of plans for construction of such facility by August 1, 1995, and is located in any county of the first classification without a charter form of government with an assessed valuation of at least one billion dollars but not more than one billion five hundred million dollars;

(4) A residential care facility I or residential care facility II which has received approval by the division of aging of plans for construction of such facility by August 1, 1995, and is located in a nursing home district which is contiguous to a public hospital district located in a county of the third classification.

2. The Missouri health facilities review committee may, for any facility certified to it by the department, consider the predominant ethnic or religious composition of the residents to be served by that facility in considering whether to grant a certificate of need.

3. There shall be no expenditure minimum for facilities, beds, or services referred to in subdivisions (1), (2) and (3) of section 197.317. The provisions of this subsection shall expire December 31, 1999. [Nothing in this subsection shall change or alter the exceptions described in paragraphs (e) and (g) of subdivision (12) of section 197.305.]

4. As used in this section, the term "licensed and available" means beds which are actually in place and for which a license has been issued.

5. The provisions of section 197.317 shall not apply to any facility where at least ninety-five percent of the patients require diets meeting the dietary standards defined by section 196.165, RSMo.

6. The committee shall review all letters of intent and applications for long-term care hospital beds meeting the requirements described in 42 C.F.R., section 412.23(e) under its criteria and standards for long-term care beds.

7. Sections 197.300 to 197.366 shall not be construed to apply to litigation pending in state court on or before April 1, 1996, in which the Missouri health facilities review committee is a defendant in an action concerning the application of sections 197.300 to 197.366 to long-term care hospital beds meeting the requirements described in 42 C.F.R., section 412.23(e).".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 104**, entitled:

An Act to repeal section 206.110, RSMo Supp. 1996, relating to the powers of hospital districts, and to enact in lieu thereof one new section relating to the same subject.

With House Perfecting Amendment No. 1.

HOUSE PERFECTING AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 104, Page 1, Section 206.110, Line 2 by deleting the words "the [county]" and inserting in lieu thereof the words "[the county]".

In which the concurrence of the Senate is respectfully requested.

REFERRALS

President Pro Tem McKenna referred **HCR 28** to the Committee on Rules, Joint Rules and Resolutions.

President Pro Tem McKenna referred **SJR 6** to the Committee on State Budget Control.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 705, regarding Harry R. Bean, VI, and Ann Marie Mattingly, which was adopted.

Senator Caskey offered Senate Resolution No. 706, regarding the Sixty-eighth Wedding Anniversary of Mr. and Mrs. Richard King, Butler, and Mr. King's Ninetieth Birthday, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Kinder and himself, Senator Howard introduced to the Senate, the Physician of the Day, Robert W. George, M.D., and his wife, Ruth.

Senator Schneider introduced to the Senate, former State Senator Gerald Winship, his wife, Sally, and his son, Steve, Independence.

Senator Kinder introduced to the Senate, twenty-eight fourth grade students from May Greene School, Cape Girardeau; and Darryl Bird, Amber England, Darrell Haynes, Cobret Joe, Adrian Liggins, Adam Schafer, Tinesha Warren, Christina Wolford, David Burke, Jamala Garmon, Thomas Holley, Deidra King, Deron Moore, Garmeisha Terry and Tamika Wiseman were made honorary pages.

Senator Mathewson introduced to the Senate, Paul Bennett, and a delegation participating in the American Legion State Youth and Government Day from Sedalia; and Sarah Hamilton, Megan McKinzie and Crystal Bennett were made honorary pages.

Senator Rohrbach introduced to the Senate, seniors from Pilot Grove High School, Pilot Grove.

Senator Childers introduced to the Senate, Rick Crawford, Jerry Seymour, Jerry Martin, Bob Samuelson, Josh Crooker, Marianna Rodriguez, Amber Verburt, Laurie Poor, Amanda Carney, Jeff Marsh and Kayla Hunsaker.

Senator Graves introduced to the Senate, Betty Williams, and a delegation participating in State Youth Day; and Andrea George, Jodi Anderson, Danelle Bierman, Betty Theas, Jack Fries, Stephen Proctor and Brett Hurst were made honorary pages.

Senator Graves introduced to the Senate, George Henggeler, Brandi Wilmes, Julie Blair, David Klamm, Lacie Mires, Katie Owens, Daisy Workman, Nancy Rickabaugh and Arlene Masters, Nodaway County.

Senator Johnson introduced to the Senate, Oneida Gillispie, Danny Wise, Heather Dennis and Kevin Harris; and Danny, Heather and Kevin were made honorary pages.

Senator Staples introduced to the Senate, Arlene Nichols, Justine Tigmor and students from Bloomsdale Elementary School, Ste. Genevieve.

Senator Westfall introduced to the Senate, Bob Martin, and students from Bolivar High School, Bolivar.

Senator Yeckel introduced to the Senate, Marion and Rita Sauer and Edward and Mary Walsh, St. Louis County.

Senator Childers introduced to the Senate, Myra Poe, Rita Hightower, and forty fourth grade students from Barry County.

Senator Staples introduced to the Senate, Hilda Ayres, and seventh grade students from Sunrise School, DeSoto.

Senator Mathewson introduced to the Senate, Janet Himmelberg, and twenty-five eighth grade students from Keytesville R-III, Keytesville; and Nicole Blackwell, Heather Peters, Jubal Bowers and Casey Imgarten were made honorary pages.

Senator Mathewson introduced to the Senate, A.J. Phipps, Dean Richards, and a delegation participating in the American Legion State Youth and Government Day from Richmond; and Joe Keeler, Cole Noble, Justin Sullard and Erica Blakeman were made honorary pages.

Senator Singleton introduced to the Senate, Dr. Donald Clark, Joplin.

On behalf of Senator Staples, the President introduced to the Senate, Denise Thompson, and students from East Carter County R-II School, Ellsinore.

On behalf of Senator Staples, the President introduced to the Senate, Joyce Wood, Fred McDaniel, Teri Kinsey, Connie Hester, Shawn Grindstaff, Phil Page, and members of the Parkland Chambers of Commerce.

Senator Childers introduced to the Senate, Mrs. Poe, Mrs. Degraffenreid, and forty fourth grade students from Cassville.

Senator Graves introduced to the Senate, Jeff Moser, Diane Lade, Vicki Auxier, and forty-two seventh and eighth grade students from St. Gregory's School, Maryville.

Senator Schneider introduced to the Senate, Sue Downs, and students from Robinwood School, St. Louis; and Joseph Caldwell, Ramona Meahan, Jamie Francis and Matthew Kruckeberg were made honorary pages.

Senator Schneider introduced to the Senate, students from St. Jerome's Elementary School; and Rachael Berry, Daniel Mesey, Jenna Groezinger and Theresa Weber were made honorary pages.

Senator Sims introduced to the Senate, Pat Waterston, Marvin Boisseau, Louise Green, Bud Blake and Dan Berg, St. Louis.

Senator Caskey introduced to the Senate, Greg Lee, Freeman; and Tim Mathes, Harrisonville.

Senator Scott introduced to the Senate, Bernie Federko and Vic and Dale Turvey, Chesterfield.

Senator Singleton introduced to the Senate, Greg Koetting, Jasper.

Senator Klarich introduced to the Senate, Gary Delhougne, Columbia; Ed Scott, St Charles; Bryan White and Maureen Byrne, St. Louis; and James Harris, Washington.

Senator Caskey introduced to the Senate, Matthew Coffelt, Creighton; and Matthew was made an honorary page.

Senator Caskey introduced to the Senate, his wife, Kay, Dorothy Ferguson, Charlotte Hirni, Betty Pruden, Mary Ellen Whitehead, Nadine Westoff, Carolyn Gunnels, Delores Shannon, Hazel Shelton, Dorothy Winter, Irene Welliver, Lorraine Kershner, Grace Fritts, Roberta Kershner, Lucille Greer, Evelyn Prough, Barbara Allen, Ethel Young, Martha McDowell, Wilma Martens, Eleanor Crawford, Faye Bagby, Maxine Rush, Jeri Foote, Leona Catron, Maxine Evans, Bonnie Vansandt, Willa Allen, Thelma Wheatley, L. Berta Leftwich, Donna Estes, Marge Fritts, Dottie Vansandt,

Wanda Brown, Barbara Powell, Betty Spangler, Hazel Burris, Mary Limpus, Ruth Wheatley, Lucille Lindsay, Maxine Riley, Thelma Six and Matthew Coffelt from the 31st Senatorial District.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-EIGHTH DAY--THURSDAY, APRIL 24, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, because what is done here affects so many lives, we pray for a spirit of good will, understanding and concern for one another. Remove from us bad feelings and ill will toward one another. As Paul wrote, "Let all things be done decently and in order." In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 360**, with **SS No. 3** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

Senator Clay moved that the above amendment be adopted.

Senator Quick announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

Senator Ehlmann offered SA1 to SA 4, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute No. 3 for Senate Bill No. 360, Page 1, Section 163.011, Line 9, by adding the following: "on the condition that the School District of the City of St. Louis go to an all year schedule for grades K through 8.".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator Clay moved that the above amendment, as amended, be adopted, which motion failed on a standing division vote.

Senator Staples offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 9, Section 153.030, Line 26 of said page, by inserting immediately after all of said line the following:

"160.257. 1. The commissioner of education shall direct the department of elementary and secondary education to insure that all school districts have a program of pupil testing which shall test competency in the subject areas of English, reading, language arts, science, mathematics, social studies and civics.

2. The department of elementary and secondary education shall identify key skills within the subject areas contained in subsection 1 of this section which shall provide the foundation for the local school district's testing program. The department of elementary and secondary education may not set maximal testing standards.

3. Each local school district shall have a testing program. District testing programs may include minimal promotion standards and shall give due consideration to the research on the influence of cultural diversity on testing performance.

4. The testing program of each local school district shall include, but shall not be limited to, criterion-referenced tests approved by the department of elementary and secondary education. This testing program shall test all students at periodic grade levels. The testing program may test students annually. The tests shall monitor progress on key skills and shall identify areas for instructional improvement. The department of elementary and secondary education may develop criterion-referenced tests and assist districts with their testing programs upon the district's request.

5. With regard to the Missouri school improvement program and accreditation, each local school district shall have the option of using either a criterion referenced test, the Missouri assessment standards, or a nationally recognized norm referenced test as the indicator of local student academic achievement. Other provisions of law to the contrary notwithstanding, the test selected by a school district pursuant to this subsection shall be the test used for the district for all purposes of law providing for the use of the statewide assessment system established pursuant to section 160.518, if the test so selected is other than the statewide assessment system. No school district shall lose Missouri school improvement program or accreditation points for academic test achievement in any

subject matter in any grade level, from kindergarten through grade twelve where the scores of the class as a whole meet or exceed the national or state fiftieth percentile of the achievement test adopted by the local district.

6. Two years of data from any achievement test used shall constitute a trend for meeting or improving the minimal achievement scores. The socioeconomic status of a school district shall be considered and appropriate accommodations shall be made in the overall assessment of the school district when assessing schools for pupil competency. The department of elementary and secondary education shall develop a procedure to consider economic hardship and socioeconomic disadvantage when preparing Missouri school improvement program reviews for district accreditation.

7. In determining whether a school has a socioeconomic disadvantage, the department of elementary and secondary education shall consider:

(1) School districts which have a poverty concentration ratio equal to or greater than the statewide average poverty concentration ratio;

(2) School districts in which at least thirty percent of the households in the district have incomes which are at or below one hundred percent of the federal poverty level; and

(3) Other data that the department of elementary and secondary education deems appropriate.

[5.] **8.** The department of elementary and secondary education shall develop or select tests which measure student performance on minimum key skills, and shall annually administer such tests to a randomly selected, statewide sample of public school students.

[6.] **9.** Each local school district shall provide testing information upon request to the department of elementary and secondary education.

[7.] **10.** The department of elementary and secondary education shall annually report to the general assembly composite pupil testing information."; and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Caskey offered **SA 1 to SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute No. 3 for Senate Bill No. 360, Page 2, Section 160.257, Lines 5-20 of said page, by striking all of said lines and renumbering the remaining subsections accordingly.

Senator Caskey moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Wiggins resumed the Chair.

Senator Johnson assumed the Chair.

At the request of Senator Caskey, **SA 1 to SA 5** was withdrawn.

At the request of Senator Staples, **SA 5** was withdrawn.

Senator Staples offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 9, Section 153.030, Line 26 of said page, by inserting immediately after all of said line the following:

"160.257. 1. The commissioner of education shall direct the department of elementary and secondary education to insure that all school districts have a program of pupil testing which shall test competency in the subject areas of English, reading, language arts, science, mathematics, social studies and civics.

2. The department of elementary and secondary education shall identify key skills within the subject areas contained in subsection 1 of this section which shall provide the foundation for the local school district's testing program. The department of elementary and secondary education may not set maximal testing standards.

3. Each local school district shall have a testing program. District testing programs may include minimal promotion standards and shall give due consideration to the research on the influence of cultural diversity on testing performance.

4. The testing program of each local school district shall include, but shall not be limited to, criterion-referenced tests approved by the department of elementary and secondary education. This testing program shall test all students at periodic grade levels. The testing program may test students annually. The tests shall monitor progress on key skills and shall identify areas for instructional improvement. The department of elementary and secondary education may develop criterion-referenced tests and assist districts with their testing programs upon the district's request.

5. Two years of data from any achievement test used shall constitute a trend for meeting or improving the minimal achievement scores. The socioeconomic status of a school district shall be considered and appropriate accommodations shall be made in the overall assessment of the school district when assessing schools for pupil competency. The department of elementary and secondary education shall develop a procedure to consider economic hardship and socioeconomic disadvantage when preparing Missouri school improvement program reviews for district accreditation.

6. In determining whether a school has a socioeconomic disadvantage, the department of elementary and secondary education shall consider:

(1) School districts which have a poverty concentration ratio equal to or greater than the statewide average poverty concentration ratio;

(2) School districts in which at least thirty percent of the households in the district have incomes which are at or below one hundred percent of the federal poverty level; and

(3) Other data that the department of elementary and secondary education deems appropriate.

[5.] **7.** The department of elementary and secondary education shall develop or select tests which measure student performance on minimum key skills, and shall annually administer such tests to a randomly selected, statewide sample of public school students.

[6.] **8.** Each local school district shall provide testing information upon request to the department of elementary and secondary education.

[7.] **9.** The department of elementary and secondary education shall annually report to the general assembly composite pupil testing information."; and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators House, Kenney, Mathewson and Yeckel.

Senator Quick requested unanimous consent of the Senate to allow the back gallery to be designated a part of the Senate floor for purposes of establishing a quorum, which request was granted.

SA 6 was adopted by the following vote:

Yeas--Senators

Caskey	Childers	Clay	Curls
Graves	Howard	Jacob	Johnson
Kinder	Mathewson	Maxwell	McKenna
Quick	Scott	Sims	Staples

Wiggins--17

Nays--Senators

Bentley	Ehlmann	Flotron	Goode
House	Kenney	Klarich	Lybyer
Rohrbach	Russell	Schneider	Singleton

Westfall Yeckel--14

Absent--Senators

Banks	DePasco	Mueller--3
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Absent with leave--Senators--None

Senator Goode offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 3 for Senate Bill No. 360, Pages 102, Section 2, Line 7 of said page, by inserting immediately after the word "application" the following: "**within sixty days of the date of denial of the application by the school district**"; and

Further amend said bill, page 107, section 3, lines 7-13 of said page, by striking all of said lines and inserting in lieu thereof the following: "**enrolling in the school, and such preference may provide for increased enrollment of children eligible for free or reduced price lunch, provided that such preference shall not require enrollment at the charter school of a percentage of children eligible for free or reduced price lunch greater than one hundred and ten percent of the percentage of resident pupils in the district in which the charter school is located who are eligible for free or reduced price lunch; and**"; and

Further amend said bill, pages 120-122, section 10, by striking all of said section from said pages and inserting in lieu thereof the following:

"Section 10. 1. The state board of education shall establish criteria for determining school districts which may be exempted pursuant to subsection 3 of this section. The criteria may include a minimum level of enrollment of

the district and may include performance-based criteria concerning any or all of the following: the district graduation rate, test scores of the district's graduating class on nationally-recognized college entrance examinations, the fraction of a district's graduating class enrolled in a two or four-year college or university, the fraction of a district's graduating class enrolled in a postsecondary vocational or technical school and the fraction of a district's graduating class which has proceeded to a high wage job with work place skill development opportunities.

2. School districts may apply to the state board of education for approval of exemption provided pursuant to subsection 3 of this section. The state board of education shall approve an application upon a determination that the district satisfies the criteria for exemption established pursuant to subsection 1 of this section, and the state board may specify, for each approved district, those laws, rules and policies from which approved districts may be exempted pursuant to subsection 3 of this section from which such approved district shall not be exempted. The state board of education shall designate, at the time of approval, the duration of the exemption, which shall not exceed five years.

3. School districts approved for exemption by the state board of education pursuant to subsection 2 of this section shall be exempt from all laws, rules and policies pertaining to the operation of the school district as specified by the state board of education in its determination of approval of the exemption. An exemption approved pursuant to this section shall be for a period specified by the state board of education in its determination of approval and such period shall not exceed five years following the date the district's exemption is approved by the state board. The state board of education may remove any school district's approval under this section as exempt on the grounds that the district no longer satisfies the criteria for exemption established pursuant to this section.

4. This section shall not apply to any special school district located within the state.

5. A school district shall not be exempted pursuant to this section from any requirements relating to:

(1) Those requirements imposed by the federal government; or

(2) Requirements relating to health and safety; or

(3) Requirements relating to the maintaining of financial, attendance, personnel records and reports, as determined by the commissioner; or

(4) Requirements relating to the employment of certified personnel for positions as required by other school districts not subject to the provisions of this section, except that school districts subject to the provisions of this section shall have no requirements for certification in area.

6. Other provisions of sections 1 to 4 of this act to the contrary notwithstanding, in any school district which is exempted pursuant to subsection 3 of this section, charter schools may be sponsored by the governing board of an approved public institution of higher education, as defined in section 173.205, RSMo. Charter schools in such districts shall be established and operated pursuant to sections 1 to 4 of this act, except that any application to establish a charter school in such district which is denied by the district school board may be appealed to the state board of education for mediation pursuant to subsection 5 of section 2 of this act."

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Johnson resumed the Chair.

Senator Mathewson resumed the Chair.

Senator House offered SA 8:

SENATE AMENDMENT NO.8

Amend Senate Substitute No. 3 for Senate Bill No. 360, Pages 101, Section 2, Line 18 of said page by inserting immediately after the word "district" the following: **"specified in subdivision (3) of this subsection"**; and further amend line 24 of said page by inserting immediately after the word "district" the following: **"specified in subdivision (3) of this subsection"**; and

Further amend said bill and section, page 102, line 12 of said page, by inserting after all of said line the following:

"(3) The provisions of this subsection shall apply only to a school district in a city not within a county or a school district which has an enrollment of at least twenty thousand pupils and which is located in a city which is located in more than one county and which city has a population in excess of three hundred thousand persons."

Senator House moved that the above amendment be adopted, which motion failed.

Senator Kenney offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 25, Section 162.081, Line 23, by inserting immediately after all of said line the following:

"(9) Other provisions of this chapter to the contrary notwithstanding, the state board of education may not attach a lapsed school district to any school district if the school district being considered to receive territory of a lapsed district opposes the attachment. The board of directors or school board in any school district being considered to receive a lapsed district may, by majority vote, oppose any attachment by the state board of education."

Senator Kenney moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Ehlmann, House, Russell and Westfall.

Senator Johnson resumed the Chair.

SA 9 failed of adoption by the following vote:

Yeas--Senators

Childers	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Rohrbach	Russell	Sims	Singleton
Westfall	Yeckel--14		

Nays--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Goode	Howard
Jacob	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Quick	Schneider
Scott	Staples	Wiggins--19	

Absent--Senators--Mueller--1

Absent with leave--Senators--None

Senator Russell offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 45, Section 163.031, Line 16 of said page, by striking the following: "and provided that the proration"; and further amend lines 17 to 28, by striking all of said lines; and

Further amend said bill and section, page 46, lines 1 to 5, by striking all of said lines; and further amend line 6 by striking the following: "subsection 6 of this section"; and

Further amend said bill, page and section, line 16, of said page, by striking the word "twenty" and inserting in lieu thereof the word "**thirty**"; and

Further amend said bill, page and section, Line 19 of said page, by striking the word "for districts with poverty"; and further amend lines 20 to 28, by striking all of said lines; and

Further amend said bill and section, Page 47, line 1 to 13 of said page, by striking all of said lines; and further amend line 14, by striking the following: "purposes;"; and

Further amend said bill and section, Page 48, Line 9 of said page, by striking the following: "[14] 14(a)" and inserting in lieu thereof the following: "14"; and

Further amend said bill, Page and Section, Line 20, of said page, by striking the following: "Payments made pursuant to line 14(b) of subsection" and further amend lines 21 and 22, by striking all of said lines; and

Further amend said bill, Page 53, Section 163.031, Line 12 of said page, by striking the following: "[14.] 14(a)." and inserting in lieu thereof the following: "14."; and

Further amend said bill, Page 53, Section 163.031, Line 14 of said page, by striking the following: ".20" and inserting in lieu thereof the following: "**.30**"; and

Further amend said bill, Page 53, Section 163.031, Lines 18 to 28 of said page, by striking all of said lines; and

Further amend said bill, Page 54, Section 163.031, lines 1 to 13, by striking all of said lines; and

Further amend said bill, Page 78, Section 166.260, Line 15 of said page, by striking the following: "1."; and

Further amend said bill, Page 78, Section 166.260, Line 18 of said page, by striking the following: "(a)" and

Further amend said bill, Page 80, Section 166.260, Lines 4 to 28 of said page, by striking all of said lines; and

Further amend said bill, Page 81, Section 166.260, Lines 1-28 of said pages, by striking all of said lines; and

Further amend said bill, Page 82, Section 166.260, Lines 1-17 of said pages, by striking all of said lines.

Senator Russell moved that the above amendment be adopted.

Senator Scott assumed the Chair.

Senator Wiggins resumed the Chair.

Senator Johnson resumed the Chair.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 10** and was joined in his request by Senators House, Mathewson, Rohrbach and Sims.

SA 10 failed of adoption by the following vote:

Yeas--Senators

Childers	Ehlmann	Graves	House
Kenney	Kinder	Rohrbach	Russell
Singleton	Westfall	Yeckel--11	

Nays--Senators

Bentley	Caskey	Clay	Curls
DePasco	Flotron	Howard	Jacob
Johnson	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Quick	Schneider
Scott	Sims	Staples	Wiggins--20

Absent--Senators

Banks	Goode	Mueller--3
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Absent with leave--Senators--None

Senator Childers offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 83, Section 166.275, Lines 15-16 of said page, by striking "subdivision (3)" and inserting in lieu thereof the following: "**subdivisions (3) and (4)**"; and

Further amend said bill and section, Page 83, Lines 24-25 of said page, by striking "subdivision (3)" and inserting in lieu thereof the following: "**subdivisions (3) and (4)**"; and

Further amend said bill and section, Page 86, Line 14 of said page, by inserting after all of said line the following:

"4. For the first fiscal year funds are distributed pursuant to this subsection, the department shall determine a uniform per pupil payment factor by dividing the total amount of savings by the statewide total number of eligible pupils, and each school district shall receive an annual payment from such total amount of savings equal to the uniform per pupil payment factor times the district's eligible pupil count for the preceding year and such funds shall be placed to the credit of the capital projects fund and used for capital projects purposes as provided by law."

Senator Childers moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Ehlmann, Kenney and Westfall.

SA 11 failed of adoption by the following vote:

Yeas--Senators

Childers	Ehlmann	Graves	House
Kenney	Kinder	Klarich	Rohrbach
Russell	Singleton	Westfall--11	

Nays--Senators

Bentley	Caskey	Curls	DePasco
Flotron	Howard	Jacob	Johnson
Lybyer	Mathewson	Maxwell	McKenna
Quick	Schneider	Scott	Sims
Staples	Wiggins	Yeckel--19	

Absent--Senators

Banks	Clay	Goode	Mueller--4
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Absent with leave--Senators--None

Senator Westfall offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 45, Section 163.031, Lines 17-28 of said page, striking all of said lines and inserting in lieu thereof the following: "**factor for line 14(b) shall be set as needed, after first transferring such funds, as needed, to the state school moneys fund to ensure that district entitlements established pursuant to line 1 of subsection 6 of section 163.031, RSMo, are funded with a proration factor no less than one and then transferring such funds, as needed, to ensure that the categorical entitlements established pursuant to lines 11, 12, 13, 14(a), 15, 16 and 17 of subsection 6 of section 163.031, RSMo, respectively, are funded with a proration factor of no less than one.**"; and

Further amend said bill and section, page 46, lines 1-6 of said page by striking all the underlined language from said lines; and

Further amend said bill, page 84, section 166.275, line 4 of said page, by inserting after "RSMo" the following: ", **after first transferring such funds, as needed, to the state school moneys fund to ensure that district entitlements established pursuant to line 1 of subsection 6 of section 163.031, RSMo, are funded with a proration factor no less than one and then transferring such funds, as needed, to ensure that the categorical entitlements established pursuant to lines 11, 12, 13, 14(a), 15, 16 and 17 of subsection 6 of section 163.031, RSMo, respectively, are funded with a proration factor of no less than one**"; and further amend lines 17-23 of said page, by striking all of said lines and inserting in lieu thereof the following: "**court's jurisdiction**";.

Senator Westfall moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 12** and was joined in his request by Senators Bentley, Rohrbach, Westfall and Wiggins.

SA 12 failed of adoption by the following vote:

Yeas--Senators

Childers	Ehlmann	Graves	House
Kenney	Kinder	Rohrbach	Russell
Singleton	Westfall	Yeckel--11	

Nays--Senators

Bentley	Caskey	Curls	DePasco
Flotron	Howard	Jacob	Johnson
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Schneider	Scott
Sims	Staples	Wiggins--19	

Absent--Senators

Banks	Clay	Goode	Mueller--4
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Absent with leave--Senators--None

Senator Rohrbach offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 12, Section 160.518, Line 9 of said page, by adding immediately after said line the following:

"160.522. 1. By July 1, 1996, the state board of education shall adopt a policy for the public reporting of information by school districts on an annual basis. The school district reports shall be distributed to all media outlets serving the district, and shall be made available to all district patrons, and to each member of the general assembly representing a legislative district which contains a portion of the school district.

2. The department of elementary and secondary education shall develop multiple reporting models which may be used by school districts for their public reports. The information reported shall include, but not be limited to, enrollment, rates of pupil attendance, high school dropout rate, staffing ratios, including the district ratio of students to all teachers, to administrators, and to classroom teachers, the average years of experience of professional staff and advanced degrees earned, student achievement as determined through the assessment system developed pursuant to section 160.518, student scores on the SAT or ACT, along with the percentage of students taking each test, average teachers' and administrators' salaries compared to the state averages, average salaries of noncertificated personnel compared to state averages, average per pupil expenditures for the district as a whole and for each building in the district **which has pupils at the same grade level as another building in the district**, voted and adjusted tax rates levied, assessed valuation, percent of the district operating budget received from state, federal, and local sources, extracurricular activities offered and the costs associated with each activity, the number of students eligible for free or reduced lunch, school calendar information, including the number of days and hours for student attendance, parent-teacher conferences, and staff development or in-service training, data on course offerings and rates of participation in parent-teacher conferences, special education programs, early childhood special education programs, parents as teachers programs, vocational education programs, gifted or enrichment programs, and advanced placement programs, data on the number of students continuing their education in postsecondary programs and information about job placement for students who complete district vocational education programs, and the district's most recent accreditation by the state board of

education, including measures for school improvement.

3. The public reporting shall permit the disclosure of data on a school by school basis, but the reporting shall not be personally identifiable to any student or education professional in the state.

4. Beginning July 1, 1996, the annual report made by the state board of education pursuant to section 161.092, RSMo, shall include a summary of school districts accredited, provisionally accredited, and unaccredited under the Missouri school improvement program, including an analysis of standards met and not met, and an analysis of state program assessment data collected pursuant to section 160.526, describing the kinds of tasks students can perform."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 90, Section 166.300, Line 27 of said page, by inserting immediately after said line the following:

"167.117. 1. In any instance when any person is believed to have committed an act which if committed by an adult would be assault in the first[,] or second [or third] degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent.

2. In any instance when a pupil is discovered to have on or about such pupil's person, or among such pupil's possessions, or placed elsewhere on the school premises, any controlled substance as defined in section 195.010, RSMo, or any weapon as defined in subsection 4 of section 160.261, RSMo, in violation of school policy, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent.

3. In any instance when a teacher becomes aware of an assault as set forth in subsection 1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth in subsection 2 of this section, the teacher shall immediately report such incident to the principal.

4. A school employee, superintendent or such person's designee who in good faith provides information to police under subsection 1 or 2 of this section shall not be civilly liable for providing such information.

5. Any school official responsible for reporting pursuant to this section or section 160.261, RSMo, who willfully neglects or refuses to perform this duty shall be subject to the penalty established pursuant to section 162.091, RSMo."; and

Further amend said bill, by amending the titling and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Ehlmann raised the point of order that **SA 14** is out of order in that it goes beyond the scope and purpose of the original intent of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Rohrbach moved that **SA 14** be adopted, which motion prevailed.

Senator Rohrbach offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 98, Section 168.221, Line 16 of said page, by inserting immediately after said line the following:

"304.050. 1. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed.

2. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "State Law: Stop while bus is loading and unloading". Each school bus subject to the provisions of sections 304.050 to 304.070 shall be equipped with a mechanical and electrical signaling device approved by the state board of education, which will display a signal plainly visible from the front and rear and indicating intention to stop.

3. **Except as otherwise provided in this section,** the driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the state board of education, to communicate to drivers of other vehicles that students are loading or unloading. **The driver of a school bus in the process of loading or unloading students upon a divided highway of four or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution, and, in such case, the driver of a vehicle may proceed past the school bus with due caution.** No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two lanes of traffic; nor shall he take on or discharge passengers while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least **five hundred feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty miles per hour and at least** three hundred feet in each direction to drivers of other vehicles upon [the highway] **other highways, and on all highways,** [then] only for such time as is actually necessary to take on and discharge passengers.

4. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in the opposite direction on a highway containing four or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

5. The driver of any school bus driving upon the highways of this state after loading or unloading school children, should remain stopped if the bus is followed by three or more vehicles, until such vehicles have been permitted to pass the school bus, if the conditions prevailing make it safe to do so.

6. If any vehicle is witnessed by a peace officer or the driver of a school bus to have violated the provisions of this section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name such vehicle is registered committed the violation. Notwithstanding the provisions in section 301.130, RSMo, every school bus shall be required to have two license plates. In the event that charges are filed against multiple owners of a motor vehicle, only one of the owners may be convicted and court costs may be assessed against only one of the owners. If the vehicle which is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the presumption by providing the peace officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation. No prosecuting authority may bring any legal proceedings against a rental or leasing company under this section unless prior written notice of the violation has been given to that rental or leasing company

by registered mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 56, Section 163.161, by deleting all of said section; and

Further amend said bill, by amending the titling and enacting clauses accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Ehlmann offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 25, Section 162.081, Line 28, by inserting immediately after all of said line the following:

"162.666. 1. Within 30 days after the effective date of this Act, for every city in this state not within a county and every city with a population of at least three hundred fifty thousand inhabitants, the terms of all members of any school board in these cities are abolished and the Mayors of these cities shall appoint, without the consent or approval of the City Council, a five member Reform Board of Trustees which shall take office no sooner than the appointment of the fifth member. Any powers granted to any existing school boards or delegated to any other body before the effective date of this Act shall be deemed terminated, but existing school board members shall have an advisory role until their respective terms expire. The Mayor may appoint any existing member of the school board to the Reform Board of Trustees. The purpose of the Reform Board of Trustees is to bring financial stability and responsibility to the corresponding school district while providing quality education to its students.

2. Three of the five members of the Reform Board of Trustees initially so appointed shall serve for terms ending on September 30, 2001 and two members initially so appointed shall serve for terms ending September 30, 2003. Thereafter at the expiration of the term of any member, a successor shall be appointed by the Mayor and shall hold office for a term of four years. A vacancy in the membership of the Trustees shall be filled through appointment by the Mayor, without the consent or approval of the city council or other governing body, for the unexpired term. One of the members appointed by the Mayor to the Reform Board of Trustees shall be appointed to serve as President of the Trustees. The Mayor may appoint a full-time compensated chief executive officer, and his or her compensation shall be determined by the Mayor. The Mayor at his or her discretion, may appoint the President to serve simultaneously as the chief executive officer.

3. The Missouri General Assembly finds that an education crisis exists in the St. Louis and Kansas City Public Schools and that a five member Reform Board of Trustees shall be established to bring educational and financial stability to the system. The trustees and their chief executive officer are empowered and directed to: (i) increase the quality of educational services in the public schools; (ii) reduce the cost of non-educational services and implement cost-saving measures including the privatization of services where deemed appropriate; (iii) develop a long-term financial plan that to the maximum extent possible reflects a balanced budget for each year; (iv) streamline and strengthen the management of the system, including a responsible school-based budgeting process, in order to refocus resources on student achievement; (v) ensure ongoing academic improvement in schools by complying with assessment standards set forth by the Department of Education and Secondary Education; (vi) enact policies and procedures that ensure the system runs in an ethical as well as efficient manner; (vii) create organizational structures, including regional offices, that it deems necessary to ensure the

efficient and effective operation of the system; (viii) provide for such other local school council advisory bodies as the Trustees deem appropriate to function in an advisory capacity to any other organizations or offices established by the Trustees under clause (vii) of this Section; and (ix) may hire any employee necessary to implement its policies or relieve any employee from his or her employment and may disregard experience or tenure in these decisions.

(a) Unless otherwise provided in this Article, the Trustees shall have all powers and duties exercised and performed by the existing school board at the time the terms of its members are abolished as provided in subsection three of this section.

(b) The Mayor shall appoint a chief executive officer who shall be a person of recognized administrative ability and management experience, who shall be responsible for the management of the system, and who shall have all other powers and duties of any other general superintendent. The chief executive officer shall make recommendations to the Trustees with respect to contracts, policies and procedures.

(c) The chief executive officer shall appoint, with the approval of the Trustees, a chief operating officer, a chief fiscal officer, a chief educational officer, and a chief purchasing officer to serve until June 30, 1999. These officers shall be assigned duties and responsibilities by the chief executive officer. The chief operating officer, the chief fiscal officer, the chief educational officer, and the chief purchasing officer may be granted authority to hire a specific number of employees to assist in meeting immediate responsibilities. The chief executive officer may remove any officer, subject to the approval of the Trustees. Other provisions of state law, state regulation, or school district rule or regulation to the contrary notwithstanding, conditions of employment for such personnel shall be set by the chief executive officer.

(d) The Trustees shall report to the chief officer of the Department of Elementary and Secondary Education with respect to its performance, the nature of the reforms which it has instituted, the effect those reforms have had in the operation of the central administrative office and in the performance of pupils, staff, and members of the local school councils at the several attendance centers within the district, and such other matters as the Trustees deem necessary to help assure continuing improvement in the public school system of the district. The reports shall be public documents and shall be made annually, beginning with the school year that commences in 1997."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Caskey offered SA 1 to SA 17, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 17

Amend Senate Amendment No. 17 to Senate Substitute No. 3 for Senate Bill No. 360, Page 1, Section 162.666, Line 5, by inserting immediately after the word "board" the following: "**of a school district with an enrollment of greater than twenty thousand students**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson resumed the Chair.

Senator Ehlmann moved that SA 17, as amended, be adopted, which motion prevailed.

Senator House offered SA 18:

SENATE AMENDMENT NO. 18

Amend Senate Substitute No. 3 for Senate Bill No. 360, Page 98, Section 168.221, Line 16 of said page, by inserting immediately after all of said line the following:

"170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried persons;

(2) Devote more attention to abstinence from sexual activity than to any other behavior;

(3) Emphasize that abstinence from sexual activity is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity;

(4) Direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is recognized as the most effective way to prevent pregnancy and sexually transmitted diseases;

(5) Teach contraception and condom use in terms of real human use failure rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in curriculum content;

(6) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with statistics based on the latest medical information citing failure and success rates of condoms and other contraceptives in preventing acquired immune deficiency syndrome (AIDS), human papilloma virus and other sexually transmitted diseases, if instruction on contraception and condoms is included in curriculum content;

(7) Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity outside of marriage and the consequences of unwanted adolescent pregnancy and emphasize the importance of respect for monogamous marriage;

(8) Advise pupils that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(9) Advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock and that it is unlawful for persons of any age to have sexual relations with underage persons to whom they are not married pursuant to chapter 566, RSMo;

(10) Emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others; and

(11) Teach pupils to not make unwanted physical and verbal sexual advances and how to say no to unwanted sexual advances. Pupils shall be taught that it is wrong to take advantage of, or exploit, another person. The material and instruction shall also encourage youth to resist negative peer pressure.

2. A school district shall not distribute condoms or other contraceptives. Policies concerning referrals and parental notification regarding contraception may be determined by local school boards, and such policies shall be applied in a manner which is consistent with the provisions of section 167.611, RSMo.

3. A school district which provides human sexuality instruction may separate students according to gender for instructional purposes.

4. The board of a school district shall determine the specific content of the district's instruction in human sexuality, in accordance with subsections 1 to 3 of this section, and shall ensure that all instruction in human

sexuality is appropriate to the age of the students receiving such instruction.

5. A school district shall notify the parent or legal guardian of each student enrolled in the district of:
- (1) The basic content of the district's human sexuality instruction to be provided to the student; and
 - (2) The parent's right to remove the student from any part of the district's human sexuality instruction.
6. A school district shall make all curriculum materials used in the district's human sexuality instruction available for public inspection pursuant to chapter 610, RSMo, prior to the use of such materials in actual instruction."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Staples raised the point of order that **SA 18** is out of order in that it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

The President recognized Senator Caskey, who sought the floor to interrogate Senator Maxwell.

Senator Maxwell yielded.

Senator Staples raised the point of order that the interrogation regarding **SS No. 3** for **SB 360** is out of order because the bill is no longer before the body.

Senator Staples' point of order was referred to the President Pro Tem, who ruled it well taken, stating that the bill is no longer before the body; however, Senator Caskey retains the floor.

Senator Caskey requested a roll call vote be taken to establish a quorum.

A quorum was established by the following vote:

Present--Senators			
Bentley	Caskey	Childers	Curls
Ehlmann	Graves	House	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Rohrbach	Russell	Scott	Singleton
Staples	Westfall	Wiggins	Yeckel--24
Absent--Senators			
Banks	Clay	DePasco	Flotron
Goode	Howard	Jacob	Mueller
Schneider	Sims--10		
Absent with leave--Senators--None			

President Pro Tem McKenna resumed the Chair.

Senator Staples raised the point of order that the debate between Senator Caskey and Senator Maxwell is out of order as there is no subject matter before the body.

Senator Johnson resumed the Chair.

President Pro Tem McKenna ruled the point of order not well taken.

President Pro Tem McKenna resumed the Chair.

Senator Caskey requested a roll call vote be taken to establish a quorum.

A quorum was established by the following vote:

Present--Senators

Caskey	Childers	Curls	DePasco
Ehlmann	Graves	House	Jacob
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Quick
Rohrbach	Russell	Scott	Singleton
Staples	Westfall	Wiggins	Yeckel--24

Absent--Senators

Banks	Bentley	Clay	Flotron
Goode	Howard	Klarich	Mueller
Schneider	Sims--10		

Absent with leave--Senators--None

RESOLUTIONS

Senator Clay offered Senate Resolution No. 707, regarding the death of Osby Townsend, which was adopted.

Senator Flotron offered Senate Resolution No. 708, regarding Keith Joseph Lococo, Hazelwood, which was adopted.

Senator Bentley offered Senate Resolution No. 709, regarding the death of Dr. William Curtis Strube, Springfield, which was adopted.

Senators Yeckel and Sims offered Senate Resolution No. 710, regarding Sarah Torretta, St. Louis, which was adopted.

Senators Yeckel and Sims offered Senate Resolution No. 711, regarding Christie Messenger, St. Louis, which was adopted.

Senators Yeckel and Sims offered Senate Resolution No. 712, regarding Jenny Nollmann, St. Louis, which was

adopted.

Senators Flotron and Sims offered Senate Resolution No. 713, regarding Lisa Sharek, Chesterfield, which was adopted.

Senators Flotron and Sims offered Senate Resolution No. 714, regarding Marybeth Winkeler, Chesterfield, which was adopted.

Senators Flotron and Sims offered Senate Resolution No. 715, regarding Maureen Renee Arbogast, Chesterfield, which was adopted.

Senators Flotron and Sims offered Senate Resolution No. 716, regarding Kara Elliott, Chesterfield, which was adopted.

Senators Flotron and Sims offered Senate Resolution No. 717, regarding Nichole Renay Smith, Chesterfield, which was adopted.

Senators Flotron and Sims offered Senate Resolution No. 718, regarding Rachel Vokoun, Chesterfield, which was adopted.

Senator Jacob offered Senate Resolution No. 719, regarding the City of Kutaisi, Republic of Georgia and the Honorable Teimuraz Shashiashvili, Mayor, and Gulnara Chavchidze, M.D., Vice Mayor, which was adopted.

Senator Lybyer offered Senate Resolution No. 720, regarding Marion Gentry, Fulton, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Michael M. Daly, M.D., Columbia.

Senator Mueller introduced to the Senate, one hundred eight fourth grade students from Barretts Elementary School, St. Louis; and Patrick Ruggeri, Tyrasha Brothers, Kurt Ustruck and Ing-Ting Shih were made honorary pages.

Senator Klarich introduced to the Senate, fifty third and fourth grade students from Franklin County R-2, New Haven.

On behalf of Senator McKenna, the President introduced to the Senate, Dr. and Mrs. Leone, Niagara Falls, New York; and Eldon Harris, Bourbon, and R.C. Smith, Jefferson County.

Senator Jacob introduced to the Senate, Kathy Lee, and twenty fourth grade students from Christian Fellowship, Columbia; and Sara Whobry, Sean Rees, Melissa Moe, Mike Huh and Toshua McDaniel were made honorary pages.

Senator Bentley introduced to the Senate, Amanda Swensen, Heidi Gilchrist, Stephen Jennings and Josh Brown, a homeschool group from Springfield.

Senator Rohrbach introduced to the Senate, Ellen Turyman, and fourth grade students from Tipton Elementary, Tipton.

Senator House introduced to the Senate, Mrs. Sutter, and sixteen students from Immaculate Conception School, Montgomery City.

Senator Mathewson introduced to the Senate, Ms. Terry Hullett, and fifty fourth grade students from Salisbury R-IV, Salisbury; and Kristen Harlan, Kathy Wright, Justin Henke and Justin Nolke were made honorary pages.

Senator Staples introduced to the Senate, students from southern Reynolds County; and Alicia Foster and Heather Moss were made honorary pages.

Senator Childers introduced to the Senate, Wilma Swofford, Laura Allen, Ron Cowan, Anita Philbrick, Lana Couch, Cathy Nunley, Kim Hammen, and ninety fourth grade students from Cassville.

Senator Childers introduced to the Senate, Marilyn Mann, Russ Brock, Jami Davis, and eleven students from Monett High School, Monett.

Senator Caskey introduced to the Senate, fourth grade students from Whiteman Air Force Base Elementary School, Knob Noster; and Douglas Landry, Benjamin Gilbert, Marquisa Robinson and Katie Rogers were made honorary pages.

On motion of Senator Quick, the Senate adjourned until 3:00 p.m., Monday, April 28, 1997.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY--MONDAY, APRIL 28, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Dear Lord, we know we have been blessed and it is time for us to be a blessing. We have been privileged and it is time to accept the responsibility that goes with privilege. It is time for us to give an accounting of what we have received in comparison to what we have given. We pray that You will help us to be good stewards. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 24, 1997, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--Curls--1

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 721, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Mario Biagioli, Lee's Summit, which was adopted.

Senator Childers offered Senate Resolution No. 722, regarding Sue Mashburn, Ozark, which was adopted.

Senator Bentley offered Senate Resolution No. 723, regarding Marcia Brandhorst, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 724, regarding Mandi Edwards, Billings, which was adopted.

Senator Bentley offered Senate Resolution No. 725, regarding Sherrie Lewis, Bolivar, which was adopted.

Senator Bentley offered Senate Resolution No. 726, regarding Sarah Padgett, Chestnut Ridge, which was adopted.

Senator Bentley offered Senate Resolution No. 727, regarding Amy Page, Marshfield, which was adopted.

Senator Bentley offered Senate Resolution No. 728, regarding Cassie Rogers, Billings, which was adopted.

Senator Bentley offered Senate Resolution No. 729, regarding Chrissie Rogers, Billings, which was adopted.

Senator Bentley offered Senate Resolution No. 730, regarding Janet Schneller, Monett, which was adopted.

CONCURRENT RESOLUTIONS

Senator Sims offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, the health care industry has evolved into a new era of managed care, provider networks, delivery of services and outpatient sources; and

WHEREAS, the Missouri General Assembly has an inherent duty to the citizens of this great state to assure those same citizens with quality health care, including mental health care at affordable prices; and

WHEREAS, the mental health delivery system is affected by the same changes and stresses characteristic of the health care industry; and

WHEREAS, an in-depth study must be made to determine the necessary improvements needed to provide such quality mental health care to Missouri's citizens:

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate of the Eighty-ninth General Assembly, the House of Representatives concurring therein, hereby establish the "Interim Mental Health Insurance Availability Committee" to be composed of seventeen members. The members shall consist of two state senators appointed by the President Pro Tem of the senate representing each political party, two state representatives appointed by the Speaker of the House representing each of the major political parties, the Director of the Department of Mental Health or his designee, the Executive Director of the Missouri Consolidated Health Care Plan or his designee, and a member of the Mental Health Commission; and

BE IT FURTHER RESOLVED, that the President Pro Tem of the Senate and the Speaker of the House of Representatives shall also each appoint five individuals that will represent business and other purchasers of insurance; health insurers; consumers of mental health and substance abuse care; substance abuse treatment programs or providers of substance abuse treatment programs; and providers of mental health; and

BE IT FURTHER RESOLVED, the committee shall make an in-depth study of health insurance coverage of mental illnesses and disorders and substance abuse care. The study shall include, but not be limited to, an analysis of the current availability and adequacy of such mental health care and its insurance coverage in Missouri, a review of coverage provided for such health care in other states, an analysis of actuarial and other data related to the cost of various models of insurance coverage of such health care, and recommendations that would lead to improved insurance coverage for such health care, and that such committee be authorized to function from October 1, 1997 to January 5, 1999; and

BE IT FURTHER RESOLVED, that the President Pro Tem of the Senate and the Speaker of the House of Representatives shall appoint the members of the committee by September 1, 1997, and such committee shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman, one of whom shall be a member of the Senate and the other a member of the House of Representatives; and

BE IT FURTHER RESOLVED, that the committee shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and General Assembly by January 5, 1998 and January 5, 1999; and

BE IT FURTHER RESOLVED, that the staff of Senate Research and House Research and the Committee on Legislative Research, shall provide

such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties. The expenses of each staff shall be paid from the contingency fund of their respective departments; and

BE IT FURTHER RESOLVED, that the Department of Mental Health shall be responsible for paying out of funds appropriated for such purposes the costs of any outside contractors necessary for the committee to complete its study and shall reimburse the members of the committee for necessary expenses in carrying out their duties; and

BE IT FURTHER RESOLVED, that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Director of the Department of Mental Health.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SB 274**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 70**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 467**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **SB 168**, begs leave to report that it has considered the same and recommends that the bill do pass.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **HCS** for **HB 356** and **SB 70**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

HOUSE BILLS ON THIRD READING

HB 229, introduced by Representative Auer, entitled:

An Act to repeal section 94.645, RSMo 1994, and section 94.655, RSMo Supp. 1996, relating to sales taxation, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 229** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode

Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Ehlmann--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 124, introduced by Representatives Dougherty and Donovan, entitled:

An Act to repeal section 301.463, RSMo Supp. 1996, relating to children's trust fund special license plates, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 124** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

HB 769, introduced by Representative Relford, entitled:

An Act to repeal section 301.064, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 769** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 761, introduced by Representative Hartzler (123), entitled:

An Act to repeal section 115.017, RSMo 1994, relating to election commissioners, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 761** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Clay moved that motion lay on the table, which motion prevailed.

HB 734, with **SCA 1**, introduced by Representative Bauer, et al, entitled:

An Act to repeal section 115.121, RSMo 1994, relating to general and primary elections, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Clay.

SCA 1 was taken up.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Clay, **HB 734**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

HB 712, with **SCA 1**, introduced by Representative Tate, entitled:

An Act to repeal section 115.300, RSMo Supp. 1996, relating to absentee ballots, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

SCA 1 was taken up.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Johnson, **HB 712**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Clay moved that motion lay on the table, which motion prevailed.

HB 612, introduced by Representative Auer, entitled:

An Act to repeal sections 169.440 and 169.466, RSMo Supp. 1996, relating to certain teacher and school employee

retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Clay.

On motion of Senator Clay, **HB 612** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HB 590, introduced by Representative O'Toole, et al, entitled:

An Act to repeal section 87.170, RSMo 1994, relating to certain firemen's retirement and relief systems, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 590** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder

Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

HB 526, with **SCA 1**, introduced by Representative Koller, et al, entitled:

An Act to repeal section 130.041, RSMo Supp. 1996, relating to campaign financial disclosures, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Staples.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **HB 526**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

HB 169, introduced by Representative Skaggs, entitled:

An Act to repeal section 169.595, RSMo 1994, and sections 169.315, 169.326, 169.328, 169.570 and 169.577, RSMo Supp. 1996, relating to the public school retirement systems, and to enact in lieu thereof six new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator DePasco.

On motion of Senator DePasco, **HB 169** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HB 626, introduced by Representative Liese, entitled:

An Act to repeal section 374.205, RSMo 1994, relating to Missouri department of insurance examination, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 626** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Banks--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 622, with **SCA 1**, introduced by Representatives Lakin and Fritts, entitled:

An Act to repeal sections 376.562, 377.080 and 377.310, RSMo 1994, relating to certain charitable organizations, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Quick.

SCA 1 was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Quick, **HB 622**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 319, introduced by Representatives Fritts and Lakin, entitled:

An Act to repeal sections 352.500 and 352.515, RSMo Supp. 1996, relating to certain incorporated and nonincorporated entities, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 319** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 168**, introduced by Senator House, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 168

An Act to repeal sections 143.105, 143.106, 143.107, 160.545, 163.161, 167.270, 167.275 and 174.125, RSMo 1994, and sections 166.275 and 167.117, RSMo Supp. 1996, relating to education, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

On motion of Senator House, **SS** for **SCS** for **SB 168** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators

Clay	Howard	Jacob	Johnson--4
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Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SS for **SB 248**, introduced by Senator Schneider, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 248

An Act to repeal sections 217.730, 302.225, 374.715, 429.470, 429.490, 476.010, 476.050, 476.055, 477.010, 509.030, 511.500, 513.045, 543.335, 545.040, 545.050, 545.060, 545.070, 545.240, 545.270, RSMo 1994, sections 217.305, 302.020, 302.341, 477.600, 478.466, 488.015, 488.020, 512.050, 559.027, 559.029 and 577.051, RSMo Supp. 1996, sections 57.290, 67.133, 429.090, 429.120, 452.345, 476.053, 479.260 and 511.510, as both versions of such

sections appear in RSMo Supp. 1996, and section 595.045, RSMo Supp. 1996, contained in house committee substitute for senate bill 769, truly agreed to and finally passed by the second regular session of the eighty-eighth general assembly, relating to courts, and to enact in lieu thereof forty-four new sections relating to the same subject, with an emergency clause and an expiration date for a certain section.

Was taken up.

On motion of Senator Schneider, **SS** for **SB 248** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
Nays--Senators--None			

Absent--Senators--Kinder--1

Absent with leave--Senators--Curls--1

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SCS for **SB 319**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 319

An Act to repeal section 191.331, RSMo 1994, relating to newborn testing, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Howard.

On motion of Senator Howard, **SCS** for **SB 319** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay Staples--2

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SJR 13, introduced by Senator DePasco, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri relating to initiative petitions, and adopting one new section in lieu thereof relating to the same subject.

Was taken up by Senator DePasco.

On motion of Senator DePasco, **SJR 13** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	House
Howard	Jacob	Johnson	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Wiggins	Yeckel--26		

Nays--Senators

Ehlmann	Graves	Kenney	Kinder
Westfall--5			

Absent--Senators

Clay	Staples--2
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Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

SB 108, introduced by Senator Flotron, et al, entitled:

An Act to repeal section 305.230, RSMo 1994, and section 43.265, RSMo Supp. 1996, relating to airports, and to enact two new sections relating to the same subject.

Was taken up.

On motion of Senator Flotron, **SB 108** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Clay--1

Absent with leave--Senators--Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SS for SCS for SBs 386 and 372, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 386 and 372

An Act to repeal sections 536.017, 536.021 and 536.022, RSMo 1994, and sections 536.025 and 536.050, RSMo Supp. 1996, relating to administrative rulemaking, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause.

Was taken up by Senator Schneider.

On motion of Senator Schneider, **SS for SCS for SBs 386 and 372** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Clay--1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Staples--1

Absent with leave--Senators--Curls--1

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem McKenna referred **SS** for **SCS** for **SB 274** to the Committee on State Budget Control.

THIRD READING OF SENATE BILLS

At the request of Senator Schneider, **SCS** for **SB 404** was placed on the Informal Calendar.

SCS for **SBs 258** and **228**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 258 and 228

An Act to repeal sections 67.400, 67.455, 67.457, 67.459 and 67.461, RSMo Supp. 1996, relating to certain political subdivisions, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up by Senator House.

On motion of Senator House, **SCS** for **SBs 258** and **228** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Staples--1

Absent with leave--Senators--Curls--1

Senator Wiggins assumed the Chair.

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

SS for **SB 466**, introduced by Senator McKenna, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 466

An Act to amend chapter 67, RSMo, by adding thereto four new sections relating to sports complex authorities, with an emergency clause.

Was taken up.

On motion of Senator McKenna, **SS** for **SB 466** was read the 3rd time and passed by the following vote:

Yeas--Senators

Childers	Clay	DePasco	Ehlmann
Flotron	Graves	House	Jacob
Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Russell	Schneider	Scott	Sims
Staples	Wiggins	Yeckel--23	

Nays--Senators

Banks	Bentley	Caskey	Goode
Howard	Kenney	Mueller	Rohrbach
Singleton	Westfall--10		

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

Yeas--Senators

Clay	DePasco	Ehlmann	Graves
House	Jacob	Johnson	Kinder
Klarich	Mathewson	Maxwell	McKenna
Quick	Russell	Schneider	Scott
Sims	Staples	Wiggins	Yeckel--20

Nays--Senators

Banks	Bentley	Caskey	Childers
Flotron	Howard	Kenney	Lybyer

Mueller Rohrbach Singleton Westfall--12

Absent--Senators--Goode--1

Absent with leave--Senators--Curls--1

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SB 2, introduced by Senator Schneider, entitled:

An Act to repeal sections 478.320 and 478.437, RSMo 1994, and section 487.020, RSMo Supp. 1996, relating to judges in the twenty-first judicial circuit, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Schneider, **SB 2** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SCS for **SB 404**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 404

An Act to repeal section 477.010, RSMo 1994, relating to the supreme court, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Schneider.

Senator Johnson assumed the Chair.

On motion of Senator Schneider, **SCS for SB 404** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Staples	Wiggins--23	

Nays--Senators

Caskey	Childers	Clay	DePasco
Howard	Kinder	Mueller	Russell
Westfall	Yeckel--10		

Absent--Senators--None

Absent with leave--Senators--Curls--1

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

Yeas--Senators

Bentley	Ehlmann	Flotron	Goode
House	Jacob	Johnson	Kenney
Mathewson	Maxwell	Quick	Rohrbach
Schneider	Scott	Wiggins--15	

Nays--Senators

Banks	Caskey	Childers	Clay
DePasco	Graves	Howard	Kinder
Klarich	Lybyer	Mueller	Russell
Sims	Singleton	Staples	Westfall
Yeckel--17			

Absent--Senators--McKenna--1

Absent with leave--Senators--Curls--1

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SS for SCS for SBs 225 and 3, introduced by Senators Bentley and Sims, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 225 and 3

An Act to repeal sections 192.016, 193.125, 210.491, 211.444, 211.447, 453.005, 453.010, 453.014, 453.015, 453.025, 453.030, 453.040, 453.065, 453.070, 453.073, 453.075, 453.080, 453.110, 453.170, and 568.175, RSMo 1994, and sections 210.109 and 453.060, RSMo Supp. 1996, relating to adoption, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Bentley.

On motion of Senator Bentley, **SS for SCS for SBs 225 and 3** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Flotron McKenna Schneider--3

Absent with leave--Senators--Curls--1

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SCS for **SB 376**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 376

An Act to amend chapter 306, RSMo, by adding thereto five new sections relating to the regulation of vessels, with penalty provisions and an emergency clause.

Was taken up by Senator Russell.

Senator Staples assumed the Chair.

Senator Scott assumed the Chair.

On motion of Senator Russell, **SCS** for **SB 376** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Graves	House	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Westfall	Yeckel--22		

Nays--Senators

DePasco	Ehlmann	Goode	Jacob
McKenna	Quick	Wiggins--7	

Absent--Senators

Bentley	Flotron	Howard	Sims--4
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Absent with leave--Senators--Curls--1

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

Yeas--Senators

Caskey	Childers	Clay	Ehlmann
Graves	House	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Westfall	Yeckel--22		

Nays--Senators

DePasco	Goode	Jacob	McKenna
Quick	Wiggins--6		

Absent--Senators

Banks	Bentley	Flotron	Howard
Sims--5			

Absent with leave--Senators--Curls--1

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SB 161**, entitled:

An Act to repeal sections 3.040, 536.017, 536.021, 536.022, 536.023 and 536.031, RSMo 1994, and sections 536.024, 536.025 and 536.050, RSMo Supp. 1996, relating to administrative rules, and to enact in lieu thereof thirteen new sections relating to the same subject, with an emergency clause and a conditional effective date for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Johnson moved that the Senate refuse to concur in **HCS No. 2** for **SB 161** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 249** and has again taken up and passed **HB 249** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 333**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 240**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 811**, entitled:

An Act relating to creating the healthy Missouri children corporation, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HB 373**--Education.

HCS for **HB 459**--Corrections and General Laws.

HB 542--Corrections and General Laws.

HCS for **HB 669**--Judiciary.

HB 681--Elections, Pensions and Veterans' Affairs.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments

and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Vetta L. Sanders Thompson, as public member and Katherine A. Tyler, R.R.T., Thomas J. Hancock, D.O., F.A.A.F.P. and Scott W. Wren, as members of the Missouri Board for Respiratory Care;

Also,

Linda S. Tarpley, as Chair of the Kansas City Board of Election Commissioners;

Also,

Christine C. Meyer, as a member of the Drug Utilization Review Board;

Also,

Trina V. Fleming and Joseph M. Ojile, M.D., F.C.C.P., as members of the Advisory Commission for Registered Physician Assistants;

Also,

Maan H. Jawad, Ph.D., as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Larry L. Deskins and Gretchen Godar Myers, as members of the Regional Convention and Sports Complex Authority;

Also,

Donald E. Clark, D.P.M., as a member of the State Board of Podiatric Medicine;

Also,

Ian M. Davis as a member of the State Board of Nursing;

Also,

James Bradford Willett, as a member of the Missouri Emergency Response Commission;

Also,

Gary Ball, as a member of the Missouri Head Injury Advisory Council;

Also,

Bonita M. Stepenoff, as a member of the Missouri State Historical Records Advisory Board.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HCS** for **HB 212**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HJR 9**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HS** for **HB 390**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 791**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Barbara A. Enneking, Republican, 8436 Big Bend Boulevard, Webster Groves, St. Louis County, Missouri 63119, as a member of the Board of Election Commissioners for St. Louis County, for a term ending January 15, 2001, and until her successor is duly appointed and qualified; vice, Francis "Bud" Barnes, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William Kahn, Republican, 2 Hunters Hill Court, Chesterfield, St. Louis County, Missouri 63017, as a member of the State Board of Education, for a term ending July 1, 2005, and until his successor is duly appointed and qualified; vice, Gary Cunningham, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John W. Lenox, Republican, 708 West Rollins, Columbia, Boone County, Missouri 65203, as a member of the Central Missouri State University Board of Governors, for a term ending January 1, 2003, and until his successor is duly appointed and qualified; vice, Stanley Cox, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John Moten, Jr., Republican, 12155 Sagemeadow Lane, Maryland Heights, St. Louis County, Missouri 63043 as a member of the Board of Election Commissioners for St. Louis County, for a term ending January 15, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joseph J. Mulvihill, 306 West 7th Street, Kansas City, Jackson County, Missouri 64106, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2001, and until his successor is duly appointed and qualified; vice, Dona R. Boley, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Vivian G. Schmidt, Democrat, 200 Dielman Road, St. Louis, St. Louis County, Missouri 63124, as a member of the Board of Election Commissioners for St. Louis County, for a term ending January 15, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Richard W. Sullivan, Democrat, 3847 Rue de Renard, Florissant, St. Louis County, Missouri 63034, as a member of the Board of Election Commissioners for St. Louis County, for a term ending January 15, 2001, and until his successor is duly appointed and qualified; vice, Patrick Hickey, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Denise Troy Curry, M.D., 7 Black Oak Drive, St. Louis, St. Louis County, Missouri 63127, as a member of the State Mental Health Commission, for a term ending June 28, 1998, and until her successor is duly appointed and qualified; vice, Dr. Henry Clever, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorsey Alan Baumgartner, 201 Peach Tree Drive, Auxvasse, Callaway County, Missouri 65231, as a member of the State Mental Health Commission, for a term ending June 28, 1997, and until his successor is duly appointed and qualified; vice, Evelyn Williams, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lenore T. Weldon, Republican, 2714 State Road TT, New Bloomfield, Callaway County, Missouri 65063, as a member of the Board of Probation and Parole, for a term ending July 28, 2002, and until her successor is duly appointed and qualified; vice, RSMo 217.665.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jandra D. Carter, Democrat, 12324 County Road 4037, Holts Summit, Callaway County, Missouri 65043, as a member of the Board of Probation and Parole, for a term ending August 16, 2002, and until her successor is duly appointed and qualified; vice, Anthony Spillers, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Reverend Maurice Joseph Nutt, C.Ss.R., 1118 North Grand Boulevard, St. Louis City, Missouri 63106, as a member of the State Mental Health Commission, for a term ending June 28, 2000, and until his successor is duly appointed and qualified; vice, Judge Robert Larsen, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William C. Prince, 3406 W. Camelot, Springfield, Greene County, Missouri 65807, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2000, and until his successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carol J. Pastoret, 1625 Wilson Avenue, Columbia, Boone County, Missouri 65201, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2000, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lynne E. Dresner, 8220 S. Tomlin Hill, Columbia, Boone County, Missouri 65201, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2000, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda F. Mariam, Republican, 5 Oak Forest Court, St. Charles, St. Charles County, Missouri 63303, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2002, and until her successor is duly appointed and qualified; vice, Emil Horstmeier, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senators Ehlmann and Sims offered Senate Resolution No. 731, regarding Amber Dees, O'Fallon, which was adopted.

Senator Howard offered Senate Resolution No. 732, regarding Eric R. Thilman, Poplar Bluff, which was adopted.

Senator Rohrbach offered Senate Resolution No. 733, regarding the Ninetieth Birthday of Joe S. Fischer, California, which was adopted.

Senator Wiggins offered Senate Resolution No. 734, regarding Bill and Fran Grigsby, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 735, regarding the Kelly's Westport Inn, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 736, regarding Richard H. Blackburn, St. Joseph, which was adopted.

BILLS DELIVERED TO THE GOVERNOR

SB 70, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered

to the Governor by the Secretary of the Senate.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Gina Johnson, and sixty-five fourth grade students from Skyline School, Sedalia; and Belinda Kromoff, Troy Huting, Ashley Patton and Tyler Kunst were made honorary pages.

Senator House introduced to the Senate, his parents, Keith and Ilene House, Fayette.

Senator Graves introduced to the Senate, Sharon Shane, Shelley Dean, and eleven fourth grade students from South Nodaway.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Tuesday, April 29, 1997.

Journal of the Senate

FIRST REGULAR SESSION

SIXTIETH DAY--TUESDAY, APRIL 29, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Dear Lord, if we can dry just one tear, heal one broken heart, encourage one soul, or salvage the life of just one child, then all of the long hours, hard work and sometimes harsh words will have been worthwhile. Use our remaining time here to bring about good for our people. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senators Wiggins and DePasco offered Senate Resolution No. 737, regarding the 100th Anniversary of Burns and

McDonnell, Kansas City, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 738

WHEREAS, the Members of the Missouri Senate are deeply pleased to learn that Sister Kevin Marie Flynn will celebrate the completion of fifty years of her ministry on Sunday, May 4th, 1997, in Kansas City; and

WHEREAS, Sister Kevin, born Elizabeth Flynn in Ireland, has served her fifty years of ministry as a member of the Sisters of Charity of Leavenworth; and

WHEREAS, Sister Kevin began her ministry working with native Americans in Montana and native Alaskans and has spent the last decade comforting and supporting Kansas Citians with AIDS through her work as a spiritual coordinator and head of the Buddy Program at the Good Samaritan Project, an AIDS service organization in Kansas City; and

WHEREAS, Sister Kevin has dedicated herself and her career in a secular setting serving people of all faiths and gives willingly of her talents and abilities to help anybody, anywhere, anytime;

NOW, THEREFORE BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the outstanding career of Sister Kevin Marie Flynn, express their appreciation for her lifetime of good citizenship, and help to all her fellow human beings in need, and extend to Sister Kevin very best wishes for many long years continued good health, success and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Sister Kevin Marie Flynn and the Sisters of Charity of Leavenworth, Kansas.

HOUSE BILLS ON THIRD READING

HB 386, with **SCS**, introduced by Representative Carter, entitled:

An Act relating to public nuisances.

Was called from the Consent Calendar and taken up by Senator Banks.

SCS for **HB 386**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 386

An Act relating to public nuisances.

Was taken up.

Senator Banks moved that **SCS** for **HB 386** be adopted, which motion prevailed.

On motion of Senator Banks, **SCS** for **HB 386** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller

Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Wiggins	Yeckel--30		
	Nays--Senators--Westfall--1		
	Absent--Senators		
Bentley	Curls	Graves--3	
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HB 793, with **SCS**, introduced by Representative Auer, entitled:

An Act to repeal section 375.355, RSMo 1994, relating to insurance companies, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

SCS for **HB 793**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 793

An Act to repeal sections 374.205, 375.355 and 379.080, RSMo 1994, relating to insurance companies, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Scott moved that **SCS** for **HB 793** be adopted.

Senator Klarich requested unanimous consent of the Senate to offer **SPA 1** to **SCS** for **HB 793**, which request was granted.

Senator Klarich offered **SPA 1**:

SENATE PERFECTING AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 793, Page 11, Section 376.311, Line 51, by striking "Maintain" and inserting in lieu thereof the words "**The pool manager shall maintain**".

Senator Klarich moved that the above perfecting amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **HB 793**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HB 793**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls Graves--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 107, with **SCS**, introduced by Representative Boucher, entitled:

An Act relating to a preference by the state to purchase products and services of the blind.

Was called from the Consent Calendar and taken up by Senator Caskey.

SCS for **HB 107**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 107

An Act relating to a preference by the state to purchase products and services of the blind.

Was taken up.

Senator Caskey moved that **SCS** for **HB 107** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HB 107** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls Graves--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 659, introduced by Representative Clayton, entitled:

An Act to repeal section 50.515, RSMo 1994, relating to certain activities of county governing bodies, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

On motion of Senator Maxwell, **HB 659** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider

Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
Nays--Senators--None			
Absent--Senators			
Curls	Graves	Howard--3	
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 59, introduced by Representative Hosmer, entitled:

An Act to repeal section 478.268, RSMo Supp. 1996, relating to probate courts, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Westfall.

On motion of Senator Westfall, **HB 59** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
Nays--Senators--None			
Absent--Senators			
Bentley	Curls	Quick--3	
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Curls	Staples--3
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Absent with leave--Senators--None

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 655, with **SCS**, introduced by Representative May (108), entitled:

An Act to repeal sections 347.015 and 358.150, RSMo Supp. 1996, relating to business entities, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

SCS for **HB 655**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 655

An Act to repeal sections 143.411, 143.471, 347.020, 347.037, 347.039, 347.069, 347.081, 347.103, 347.109, 347.121, 347.125, 347.129, 347.133, 347.137, 347.141, 347.700, 347.705, 347.710, 355.066, 355.071, 355.197, 355.211, 355.221, 355.431, 355.471, 359.011, 359.061, 359.165, 359.201, 359.341, 359.351, 359.451, 408.035, 484.020 and 486.330, RSMo 1994, and sections 347.015, 347.187, 358.150, 358.440 and 358.510, RSMo Supp. 1996, relating to regulation of businesses, and to enact in lieu thereof forty-six new sections relating to the same subject, with an emergency clause and penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **HB 655** be adopted.

Senator Klarich requested unanimous consent of the Senate to offer **SPA 1** to **SCS** for **HB 655**, which request was granted.

Senator Klarich offered **SPA 1**:

SENATE PERFECTING AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 655, Page 3, Section 143.411, Line 61, by striking the word "election" and inserting in lieu thereof the word "**agreement**"; and

Further amend said bill, Page 27, Section 347.705, Line 22, by inserting immediately after the following: "partnership," the following: "**limited liability partnership, limited liability limited partnership**"; and

Further amend said bill, Page 44, Section 358.510, Line 2, by inserting after the word "liability" the word "**limited**"; and

Further amend said bill, Page 44, Section 358.510, Line 4, by inserting after the word "liability" the word "**limited**"; and

Further amend said bill, Page 47, Section 359.165, Line 62, by striking the word "by" and inserting in lieu thereof the word "**with**".

Senator Klarich moved that the above perfecting amendment be adopted, which motion prevailed.

Senator Caskey moved that **SCS** for **HB 655**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HB 655**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Curls	Lybyer--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--Howard--1

Absent--Senators

Bentley	Curls	Lybyer--3
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Absent with leave--Senators--None

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

HB 265, introduced by Representative Richardson, entitled:

An Act to repeal section 559.027, RSMo Supp. 1996, relating to probation revocation hearings.

Was called from the Consent Calendar and taken up by Senator Ehlmann.

On motion of Senator Ehlmann, **HB 265** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna

Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Curls	Staples--3	
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

HB 250, with **SCA 1**, introduced by Representative Graham, entitled:

An Act to repeal section 355.316, RSMo 1994, relating to not for profit corporations, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

SCA 1 was taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

On motion of Senator House, **HB 250**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls Staples--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 797, with **SCA 1**, introduced by Representative Kissell, et al, entitled:

An Act to repeal section 171.033, RSMo 1994, relating to school attendance, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator House.

SCA 1 was taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

On motion of Senator House, **HB 797**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Russell	Schneider
Sims	Singleton	Westfall	Wiggins

Yeckel--29

Nays--Senators--None

Absent--Senators

Curls Howard Rohrbach Scott

Staples--5

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls Staples--2

Absent with leave--Senators--None

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

HB 663, introduced by Representatives Stokan and Burton, entitled:

An Act to repeal section 172.803, RSMo 1994, relating to research project awards, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Flotron.

On motion of Senator Flotron, **HB 663** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider

Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		
	Nays--Senators--None		
	Absent--Senators		
Curls	Ehlmann	Lybyer	Staples--4
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 604, introduced by Representative Fritts, entitled:

An Act to repeal section 165.011, RSMo Supp. 1996, relating to guaranteed energy saving performance contracts for schools, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 604** was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		
	Nays--Senators--None		
	Absent--Senators		
Curls	Ehlmann	Lybyer	Staples--4
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

HB 521, with **SCA 1**, introduced by Representative Fitzwater, entitled:

An Act to repeal sections 162.191, 162.222, 162.223 and 162.241, RSMo 1994, relating to school districts, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

SCA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SCA 1** is out of order in that it goes beyond the scope and purpose of the original bill.

President Pro Tem McKenna ruled the point of order not well taken.

Senator Mathewson moved that **SCA 1** be adopted, which motion failed.

On motion of Senator Mathewson, **HB 521** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Westfall	Wiggins	Yeckel--27	

Nays--Senators--None

Absent--Senators

Clay	Curls	Flotron	Kinder
Schneider	Singleton	Staples--7	

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem McKenna referred **HCS** for **HB 212** to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

HB 516 was placed on the Informal Calendar.

HB 491, with **SCS**, introduced by Representative Gaw, et al, entitled:

An Act to amend chapter 144, RSMo, relating to sales and use taxes by adding thereto one new section relating to sales and use taxes on food, with an emergency clause.

Was taken up by Senator Banks.

SCS for **HB 491**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 491

An Act to repeal sections 143.124 and 253.401, RSMo 1994, relating to taxation, and to enact in lieu thereof six new sections relating to the same subject, with an effective date for certain sections and an emergency clause for a certain section.

Was taken up.

Senator Banks moved that **SCS** for **HB 491** be adopted.

Senator Banks offered **SS** for **SCS** for **HB 491**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 491

An Act to repeal section 144.140, RSMo 1994, and section 144.020, RSMo Supp. 1996, relating to the state sales tax rate on food, and to enact in lieu thereof two new sections relating to the same subject, with a termination date for a certain section.

Senator Banks moved that **SS** for **SCS** for **HB 491** be adopted.

Senator Banks offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Section 144.140, Line 15 of said page, by striking "144.010" and inserting in lieu thereof the following: "**144.020**"; and further amend line 19, by striking "144.010" and inserting in lieu thereof the following: "**144.020**"; and

Further amend said bill and page, section B, line 21 of said page, by striking "144.010" and inserting in lieu thereof the following: "144.020".

Senator Banks moved that the above amendment be adopted.

Senator Mathewson offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 1, In the Title, Lines 3-4, by striking "the state sales tax rate on food" and inserting in lieu thereof the following: "taxation"; and further amend line 5, by striking the word "a"; and further amend line 6, by striking all of said line and inserting in lieu thereof the following: "an effective date for a certain section, an emergency clause for a certain section and a penalty provision for a certain section."; and

Further amend said bill, pages 1-4, section 144.020, by striking all of said section; and inserting in lieu thereof the following:

"144.014. 1. Notwithstanding other provisions of law to the contrary, beginning July 1, 1997, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food shall be at the rate of two percent. The revenue derived from one-half of the two percent rate pursuant to this section shall be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section 144.701.

2. For the purposes of this section, the term "food" shall include only those products and types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C. section 2012, as that section now reads or as it may be amended hereafter, and shall not include food dispensed by or through vending machines.

144.016. In addition to the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746, there is hereby levied and imposed on all retail sales of food, as defined in subsection 2 of section 144.014, an additional rate of one percent. The collection of the one percent rate as imposed herein shall be suspended until such time as the governor by executive order authorizes the collection of such tax under conditions as described in this section. During any fiscal year after a fiscal year in which the commissioner of administration has certified that the annual growth in total state revenues, as defined in article X, section 17 of the Missouri constitution, is less than the annual growth in personal income of Missouri, as defined in article X, section 17 of the Missouri constitution and determined for the year at issue, the governor may authorize the collection of a portion of the tax specified in this section in an increment of one half of one percent per year.

Section B. Because immediate action is necessary to provide tax relief to the citizens of this state, section 144.014 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 144.014 of this act shall be in full force and effect on July 1, 1997, or upon its passage and approval whichever shall later occur."; and

Further amend said bill, page 4, section B, lines 20-21 of said page, by striking all of said lines and inserting in lieu thereof the following:

"143.124. 1. Other provisions of law to the contrary notwithstanding, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person except as provided in subsection 4 of this section, shall be subject to tax under the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, annuity, pension, or retirement allowance shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or

any political subdivision or agency or institution of this or any other state. **For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state.**

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, the first six thousand dollars of retirement benefits received by each taxpayer **from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, the first two thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1999, but before January 1, 2000, and the first six thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000:**

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and [his] **the taxpayer's** Missouri adjusted gross income is less than twenty-five thousand dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and [his] **the taxpayer's** Missouri adjusted gross income is less than sixteen thousand dollars.

4. To determine the maximum Missouri adjusted gross income limits referenced in this section, any social security benefits included in Missouri adjusted gross income shall be subtracted. But social security benefits shall not be subtracted for purposes of other computations under this chapter, and are not to be considered as retirement benefits for purposes of this section.

5. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of social security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of social security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

6. [For each tax year beginning on or after January 1, 1990,] The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated under this chapter, but subject to taxation under Internal Revenue Code section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

7. The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035, RSMo.

[8. The provisions of this section shall apply to all other annuities, pensions and retirement allowances as subsequently defined and provided by law for tax years beginning on or after January 1, 1991.]

Section C. Section 143.124 shall become effective on January 1, 1998, and shall apply to all taxable years beginning after December 31, 1997.

143.161. 1. **For all tax years beginning before January 1, 1998**, a resident may deduct four hundred dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes.

2. For all tax years beginning on or after January 1, 1998, a resident may deduct eight hundred dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes.

[2.] **3.** A resident who qualifies as an unmarried head of household or as a surviving spouse for federal income tax purposes may deduct an additional eight hundred dollars.

Section 1. 1. As used in this section, the following words and terms shall mean:

(1) "Challenge scholarship", a reimbursement for post-secondary education expenses, as calculated pursuant to this section, to be claimed on Missouri state individual income tax returns by, or on behalf of, an eligible student who has enrolled in and completed credit hours in an eligible institution of post-secondary education pursuant to the provisions of this section;

(2) "Eligible institution of post-secondary education", any approved public or private post-secondary education institution, as defined in section 173.205, or any other Missouri private institution that:

(a) Is required by statute to be certified to operate by the coordinating board for higher education;

(b) Is institutionally accredited by a United States Department of Education recognized accrediting commission;

(c) Has operated continuously in the state of Missouri for at least five years;

(d) Has no more than fifty percent of its students in correspondence programs;

(e) Offers a two-year certificate or an associate or higher degree program;

(f) Has at least one articulation agreement relating to a degree program with another institution approved by the coordinating board for higher education; and

(g) Is approved for participation in the challenge scholarship program by the coordinating board for higher education;

(3) "Credit hour", the standard academic measurement of attendance based on a semester term, or its equivalent, in trimester, quarter or clock hour terms;

(4) "Resident of the state of Missouri", a resident of this state as determined under standards promulgated pursuant to section 173.005;

(5) "Eligible claimant", an eligible student claiming a challenge scholarship or another person, such as a parent, claiming a challenge scholarship on behalf of an eligible student under this section, which student or other person satisfies the following conditions throughout the period for which the challenge scholarship is being claimed:

(a) The claimant is a citizen or a permanent resident of the United States; and

(b) The claimant is a resident of the state of Missouri, as defined in this section;

(6) "Eligible student", an individual who is enrolled in an eligible institution of post-secondary education and has been in compliance with the eligibility requirements set forth in subsection 1 of section 173.215, throughout the period for which the challenge scholarship is being claimed, excluding the requirements of full-time enrollment and financial need, and in addition, meets the following requirements:

(a) Has received a high school diploma, general educational development certificate (GED) or equivalent;

(b) Is enrolled in and has maintained satisfactory academic progress in a program leading to a certificate, or an associate or baccalaureate degree;

(c) Has yet to complete sixty semester hours, or the equivalent, of post-secondary course credit earned after the date of receipt of a high school diploma or a GED certificate or the equivalent, with the exception of students participating in the A+ schools program as provided in subdivision (4) of subsection 2 of this section;

(d) Does not have a delinquent debt with an institution of higher education exceeding the amount of the challenge scholarship;

(e) Has not already claimed, or had claimed on the individual's behalf, the maximum allowable cumulative challenge scholarship as defined in subdivision (3) of subsection 2 of this section; and

(f) Is not a person currently confined in any federal or state correctional facility, jail or confined under the jurisdiction of the department of corrections in any other state.

2. (1) The actual amount of allowable challenge scholarship shall be the lesser of:

(a) The number of post-secondary credit hours completed in that calendar year and earned after the date of receipt of a high school diploma or a GED certificate or equivalent times the per credit hour allowance, as provided in subdivision (2) of this subsection; or

(b) The maximum allowable challenge scholarship, as provided in subdivision (2) of this subsection.

(2) For calendar years 1998 and 1999, the per credit hour allowance shall be seventeen dollars and the maximum allowable challenge scholarship shall be five hundred dollars. For calendar years 2000 and 2001, the per credit hour allowance shall be thirty-three dollars and the maximum allowable challenge scholarship shall be one thousand dollars. For calendar year 2002, and each subsequent calendar year, the per credit hour allowance shall be fifty dollars and the maximum allowable challenge scholarship shall be one thousand five hundred dollars.

(3) No student may claim, or have claimed on the student's behalf, more than three thousand dollars of cumulative challenge scholarship.

(4) No student may claim, or have claimed on the student's behalf, a challenge scholarship for post-secondary credit hours earned after that student has successfully completed sixty credit hours or equivalent of post-secondary work after the date of receipt of a high school diploma or a GED certificate or equivalent, except for students who participate in the A+ schools program as established in section 160.545, RSMo. Students who participate in the A+ schools program may use the challenge scholarship for the sixty post-secondary credit hours or equivalent following the exhaustion of financial benefits under the A+ schools program.

(5) The provisions of section 143.811, RSMo, to the contrary notwithstanding, no interest shall be paid on the challenge scholarship provided for in this section.

(6) Nothing in this section shall be construed to limit the actual scholarship amount to the amount of the claimant's Missouri income tax liability.

3. Every eligible institution of post-secondary education shall furnish to each eligible student enrolled at such institution who is a resident of Missouri, a written statement in a form prescribed by the director of revenue showing the credit hours completed by that student for the calendar year and other such information as the director of revenue shall prescribe. This form shall be furnished to each eligible student on or before January thirty-first of the succeeding year, and claims for the challenge scholarship shall be filed with the department of revenue by December thirty-first of such succeeding year.

4. The coordinating board for higher education shall provide to the director of revenue a list of eligible institutions of post-secondary education as determined pursuant to subdivision (2) of subsection 1 of this section for the calendar year. This list shall be provided on or before December thirty-first of that calendar year or by such other, earlier date as specified by the director and agreed to by the coordinating board. The director of revenue shall also provide annually to the coordinating board for higher education a report showing how many eligible students claimed a challenge scholarship, the dollar amount of such scholarships and other information requested by the coordinating board for higher education.

5. Challenge scholarship claims may only be filed for taxable years beginning on or after January 1, 1998.

6. The coordinating board for higher education, in conjunction with the director of revenue, shall prescribe such rules and regulations as are necessary to carry out the provisions of this section.

7. (1) Fraudulent claims under the provisions of this section shall be subject to the same penalties and under the same conditions as are provided by sections 143.911 to 143.951, RSMo, relating to fraudulent claims for income taxes.

(2) Any repayment of a fraudulent challenge scholarship claim collected by the director of revenue shall include full repayment plus interest thereon at the rate determined by section 32.065, RSMo, from the date the fraudulent claim was filed until such repayment is made.

(3) No challenge scholarship may be sold or assigned to a third party.

8. This section shall only apply to credit hours accrued after January 1, 1998."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above substitute amendment be adopted.

Senator Howard assumed the Chair.

Senator Caskey raised the point of order that **SSA 1** for **SA 1** is out of order in that it is not a true substitute for **SA 1**, but a substitute for the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem McKenna resumed the Chair.

Senator Mathewson submitted the following division of the question:

Mr. President: I ask that the question be divided into four parts:

Part 1 the sales tax sections 144.014, 144.016 and section B including all of pages one, and two.

Part 2 to include the income tax exemption for pensions in section 143.124 and section C on page two, three, four, five and lines one to seven on page six.

Part 3 to include the increase of the dependent deduction in section 143.161 on page six.

Part 4 to include section one on pages six to eleven providing a tax credit for college tuition costs.

At the request of Senator Banks, **HB 491**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HCS** for **HB 331**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Quick, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

Senator Quick announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HB 516, introduced by Representatives Backer and Sheldon (104), entitled:

An Act to repeal sections 407.815, 407.825 and 407.835, RSMo 1994, relating to motor vehicle franchise practices, and to enact in lieu thereof thirteen new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Schneider.

On motion of Senator Schneider, **HB 516** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins

Yeckel--29

Nays--Senators--None

Absent--Senators

Clay Curls Flotron Jacob

Staples--5

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Russell offered Senate Resolution No. 739, regarding Mrs. Mary Ann Barker Frazee, Mountain Grove, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 740

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the sudden, tragic death of Tyler Edward Houdek, of Kansas City; and

WHEREAS, Tyler Houdek was born December 30, 1973, in Columbia, Missouri, the son of Bruce and Sue Houdek, and had spent his life in greater Kansas City; and

WHEREAS, Tyler was a 1992 graduate of Shawnee Mission East High School where he lettered in football, and he was also a tenor and base drummer in the Kansas City St. Andrew Society Pipe and Drum Band; and

WHEREAS, Tyler was a Senior at Kansas State University where he was a history major and was the Past Vice-President of the Sigma Alpha Epsilon Fraternity; and

WHEREAS, Tyler was a 1997 recipient of the George C. Marshall Award given to the outstanding cadet of each participating R.O.T.C. unit throughout the country, being the outstanding cadet at Kansas State University, being scheduled to be commissioned as a Second Lieutenant on May 16, 1997, in the Field Artillery, Regular Army; and

WHEREAS, Tyler was a recipient of the German Efficiency Medal, was an Eagle Scout in Troop 16, and was a Runner in the Tribe of Mic-O-Say and was to have been honored at a graduation party in Kansas City on Sunday, May 18th with his brother Tom, graduates from Graduate School, and his brother Ted, former intern for our colleague, the current Senator from the 10th District, Senator Harry Wiggins, who is graduating from the UMKC Law School;

NOW, THEREFORE BE IT RESOLVED that members of the Missouri Senate pause in their deliberations to salute the memory of an outstanding and wonderful young man, who had the world before him to conquer with his unusual and gifted talents, already exhibited at the age of 23, express their profound sorrow at this tragic and untimely death, and extend to his parents, Bruce and Sue Houdek, his brothers Tom and Ted, most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mr. and Mrs. Bruce Houdek, his brothers Tom and Ted Houdek, Kansas State University, R.O.T.C. Commander, Kansas State University, Sigma Alpha Epsilon Fraternity at Kansas State University, Shawnee Mission East High School, and St. Andrew Church Society Pipe and Drum Band.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS No. 2** for **SB 161** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2** and has taken up and passed **CCS** for **HB 2**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 3** and has taken up and passed **CCS** for **HB 3**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 4** and has taken up and passed **CCS** for **HB 4**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 5** and has taken up and passed **CCS** for **HB 5**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 6** and requests a further conference on **SCS** for **HCS** for **HB 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 29**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 6**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 261**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 265**, entitled:

An Act to repeal sections 404.703, 404.705, 404.710, 404.714, 404.717, 404.723, 404.727, 404.730 and 474.490, RSMo 1994, and sections 404.719 and 456.520, RSMo Supp. 1996, relating to probate, and to enact in lieu thereof

twenty-two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SB 161**, with **HCS No. 2**: Senators Johnson, Schneider, Mathewson, Ehlmann and Flotron.

HOUSE BILLS ON THIRD READING

HB 402, introduced by Representative Naeger, et al, entitled:

An Act to repeal section 701.051, RSMo 1994, relating to inspection fees for on-site sewage disposal systems, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Kinder.

On motion of Senator Kinder, **HB 402** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay	Curls	Schneider--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

HB 643, with **SCA 1**, introduced by Representative Barry, entitled:

An Act to repeal section 197.415, RSMo 1994, relating to home health agencies, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Bentley.

SCA 1 was taken up.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Bentley, **HB 643**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Clay	Curls	Maxwell	Schneider--4
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

HB 63, with **SCS**, introduced by Representatives Griesheimer and Gratz, entitled:

An Act to repeal section 311.300, RSMo Supp. 1996, relating to certain businesses licensed to sell intoxicating liquor or nonintoxicating beer, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Flotron.

SCS for **HB 63**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 63

An Act to repeal sections 311.098, 311.300 and 311.332, RSMo Supp. 1996, relating to certain businesses licensed to sell intoxicating liquor or nonintoxicating beer, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Flotron moved that **SCS** for **HB 63** be adopted, which motion prevailed on a standing division vote.

On motion of Senator Flotron, **SCS** for **HB 63** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
Jacob	Johnson	Klarich	Lybyer
Mathewson	McKenna	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Staples	Wiggins	Yeckel--23	

Nays--Senators

Caskey	Childers	House	Howard
Kenney	Russell	Singleton	Westfall--8

Absent--Senators

Curls	Kinder	Maxwell--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

HB 592, introduced by Representative O'Toole, entitled:

An Act relating to certain cemeteries.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 592** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
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Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	Nays--Senators--None		
	Absent--Senators		
Curls	Jacob	Maxwell	Schneider--4
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 642, introduced by Representative Smith, entitled:

An Act to repeal section 197.400, RSMo 1994, and section 197.445, RSMo Supp. 1996, relating to home health agencies, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Lybyer.

On motion of Senator Lybyer, **HB 642** was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls

Schneider--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Graves moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HCS** for **HB 114**; **SJR 6**; and **SS** for **SCS** for **SB 274**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 653**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 650**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE RESOLUTION NO. 650

NOTICE OF PROPOSED RULE CHANGE

BE IT RESOLVED by the Senate of the Eighty-ninth General Assembly, First Regular Session, that Senate Rule 64 be amended to read as follows:

"Rule 64. A substitute for the text of a bill is not in order until all pending amendments thereto have been disposed of. **A senate floor substitute must be distributed to the members at least one legislative day prior to its consideration, except that on and after the first Monday in May, a senate floor substitute must be distributed to the members at least two hours prior to its consideration. The sergeant-at-arms shall note the date and time on the senate floor substitute which is to be copied for distribution. Placement on the desks of the members shall satisfy the requirements of distribution.** Substitute bills, including committee substitutes, shall take the form of original bills and not that of amendments. No further amendments or substitutes may be entertained after the senate adopts a substitute bill."

HOUSE BILLS ON THIRD READING

Senator Banks moved that **HB 491**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

Part I of **SSA 1** was taken up.

Senator Johnson assumed the Chair.

Senator Klarich raised the point of order that Part IV of **SSA 1** for **SA 1**, dealing with Section 1, page 6, line 19, through line 23 on page 11, is out of order in that the substitute amendment goes beyond the scope, purpose and title of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Klarich offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 2, Section 144.016, Lines 2-17, by deleting said section.

Senator Klarich moved that the above amendment be adopted.

Senator Lybyer requested unanimous consent of the Senate for the Committee on Appropriations conferees to meet while the Senate is in session, which request was granted.

Senator Flotron raised the point of order that Part I of **SSA 1** for **SA 1** is out of order in that it is not a true substitute amendment, since nothing in Part I of the substitute amendment overlaps the language in **SA 1**.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 to **SSA 1** for **SA 1** was again taken up.

At the request of Senator Klarich, the above amendment was withdrawn.

Senator Singleton offered **SPA 1** to **SSA 1** for **SA 1**:

SENATE PERFECTING AMENDMENT NO. 1 TO SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 1, In the Title, Line 6, by inserting immediately after said line the following:

"Amend Section A, Line 4, Page 1, by inserting after said section the following:

"143.124. 1. Other provisions of law to the contrary notwithstanding, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person except as provided in subsection 4 of this section, shall be subject to tax under the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, annuity, pension, or retirement allowance shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. **For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state.**

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, the first six thousand dollars of retirement benefits received by each taxpayer **from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, the first two thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1999, but before January 1, 2000, and the first six thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000:**

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and [his] **the taxpayer's** Missouri adjusted gross income is less than twenty-five thousand dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and [his] **the taxpayer's** Missouri adjusted gross income is less than sixteen thousand dollars.

4. To determine the maximum Missouri adjusted gross income limits referenced in this section, any social security benefits included in Missouri adjusted gross income shall be subtracted. But social security benefits shall not be subtracted for purposes of other computations under this chapter, and are not to be considered as retirement benefits for purposes of this section.

5. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of social security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of social security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

6. [For each tax year beginning on or after January 1, 1990,] The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated under this chapter, but subject to taxation under Internal Revenue Code section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

7. The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035, RSMo.

[8. The provisions of this section shall apply to all other annuities, pensions and retirement allowances as subsequently defined and provided by law for tax years beginning on or after January 1, 1991.]

Section C. Section 143.124 shall become effective on January 1, 1998, and shall apply to all taxable years beginning after December 31, 1997.

143.161. 1. **For all tax years beginning before January 1, 1998**, a resident may deduct four hundred dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes.

2. For all tax years beginning on or after January 1, 1998, a resident may deduct eight hundred dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes.

[2.] **3.** A resident who qualifies as an unmarried head of household or as a surviving spouse for federal income tax purposes may deduct an additional eight hundred dollars."; and

Further amend said amendment, pages 2-6, Sections 143.124 and 143.161, by striking all of said sections.

Senator Singleton moved that the above perfecting amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kenney, Klarich, Russell and Scott.

SPA 1 to SSA 1 for SA 1 failed of adoption by the following vote:

Yeas--Senators

Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Rohrbach	Russell	Sims	Singleton
Westfall	Yeckel--14		

Nays--Senators

Banks	Caskey	Clay	Curls
DePasco	Goode	House	Jacob
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Schneider
Scott	Staples	Wiggins--19	

Absent--Senators--Howard--1

Absent with leave--Senators--None

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

Senator Klarich offered **SA 2 to SSA 1 for SA 1**:

SENATE AMENDMENT NO. 2 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee

Substitute for House Bill No. 491, Page 2, Section 144.016, Lines 2-17, by deleting said section.

Senator Klarich moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Flotron, Kenney, Mueller and Sims.

SA 2 to SSA 1 for SA 1 failed of adoption by the following vote:

Yeas--Senators

Banks	Bentley	Childers	Ehlmann
Flotron	Graves	Howard	Kenney
Kinder	Klarich	Mueller	Rohrbach
Russell	Sims	Singleton	Westfall

Yeckel--17

Nays--Senators

Caskey	Clay	Curls	DePasco
Goode	House	Jacob	Johnson
Lybyer	Mathewson	Maxwell	McKenna
Quick	Schneider	Scott	Staples

Wiggins--17

Absent--Senators--None

Absent with leave--Senators--None

Senator Schneider offered **SA 3 to SSA 1 for SA 1**:

SENATE AMENDMENT NO. 3 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 2, Section 144.016, Line 17, by inserting a semicolon (;) and the words: "except that, such collection may be suspended by the General Assembly by concurrent resolution".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 4 to SSA 1 for SA 1**, which was read:

SENATE AMENDMENT NO. 4 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 1, Section 144.014, Line 9, by inserting immediately before said line the following:

"Section 1. Any communion wine sold by an wholesaler who employs an individual over the age of 18 and consumed on a dance floor of more than 2500 square feet shall be exempt from taxation pursuant to this act."

Senator Flotron moved that the above amendment be adopted.

Senator Scott assumed the Chair.

At the request of Senator Flotron, **SA 4 to SSA 1 for SA 1** was withdrawn.

President Wilson resumed the Chair.

Senator Sims offered **SA 5 to SSA 1 for SA 1**, which was read:

SENATE AMENDMENT NO. 5 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 1, Section 144.014, Line 12, by changing "two" to "one"; and on line 13, by deleting the words "from one-half of the two percent rate".

Senator Sims moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Singleton offered **SA 6 to SSA 1 for SA 1**:

SENATE AMENDMENT NO. 6 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 2, Line 24, by inserting immediately after said line the following:

"143.131. 1. The Missouri standard deduction may be deducted in determining Missouri taxable income of a resident individual unless the taxpayer or his spouse has elected to itemize his deduction as provided in section 143.141.

2. The Missouri standard deduction shall be the allowable federal standard deduction, **increased to the extent not otherwise deductible by the taxes for the same taxable year for which the return is being filed that are imposed by section 3101 of the Internal Revenue Code, relating to the tax on employees under the Federal Insurance Contributions Act.**"; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Kenney, Kinder and Russell.

Senator Scott resumed the Chair.

President Wilson resumed the Chair.

SA 6 to SSA 1 for SA 1 failed of adoption by the following vote:

Yeas--Senators

Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich

Rohrbach	Russell	Sims	Singleton
Westfall	Yeckel--14		
	Nays--Senators		
Banks	Caskey	Clay	Curls
DePasco	Goode	House	Howard
Jacob	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Schneider	Scott	Staples	Wiggins--20

Absent--Senators--None

Absent with leave--Senators--None

At the request of Senator Banks, **HB 491**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1**, as amended (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for **HB 811**--Public Health and Welfare.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS No. 2** for **SB 161**: Representatives: Kelly (27), Smith, Clayton, Lograsso, Ridgeway.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 29, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lyn C. Konstant, Ph.D., R.D., 117 East Circle Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 1999, and until her successor is duly appointed and qualified; vice, Coleen Kivlahan, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointment to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 741, regarding Charles Kenneth McClure, Jefferson City, which was adopted.

Senator Schneider offered Senate Resolution No. 742, regarding Derek A. Pease, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 743, regarding Ryan J. Claus, St. Louis, which was adopted.

Senator Singleton offered Senate Resolution No. 744, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Edwin Strong, which was adopted.

Senator Graves offered Senate Resolution No. 745, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wesley Slep, Fairfax, which was adopted.

Senator Graves offered Senate Resolution No. 746, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Huel Campbell, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 747, regarding Leslie Feitz, which was adopted.

Senator Graves offered Senate Resolution No. 748, regarding Michele M. McElwain, which was adopted.

Senator Graves offered Senate Resolution No. 749, regarding Angela Schemmer, which was adopted.

Senator Graves offered Senate Resolution No. 750, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Henry Krueger, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 751, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Bobby Kelley, Hopkins, which was adopted.

Senator Graves offered Senate Resolution No. 752, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ben McKenzie, Laclede, which was adopted.

Senator Graves offered Senate Resolution No. 753, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Arthur Workman, King City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, Ruth and Alison Kirchhoff, St. Louis; and Alison was made an honorary page.

Senator Mueller introduced to the Senate, Mr. and Mrs. Ed Travis, Des Peres.

Senator Rohrbach introduced to the Senate, Patsy Reed, and seventh grade students from St. Andrews School, Tipton; and Jessie Adams, Kevin Johansen, Evan Moon and Luke Crane were made honorary pages.

Senator Graves introduced to the Senate, Tena Eggers, and fourth grade students from the Hale School District.

Senator Rohrbach introduced to the Senate, Mrs. Eikoff, and eighth grade students from Blackwater Middle School.

Senator Jacob introduced to the Senate, University of Missouri Head Football Coach, Larry Smith, Columbia.

Senator DePasco introduced to the Senate, twenty-two seventh grade students from Messiah Lutheran School, Independence; and Julie Haesemeier and Jeremy Newgard were made honorary pages.

Senator Rohrbach introduced to the Senate, Matt Hoelscher, Wardsville; and Matt was made an honorary page.

Senator Schneider introduced to the Senate, students from Commons Lane Elementary School, St. Louis; and Jill Schwartzmen, Jessica Hall, Martis Wells and Nicholas Coppola were made honorary pages.

On behalf of Senator Ehlmann, Senator Sims introduced to the Senate, Lindsey and Christine Rose and Lauren Stonebraker, St. Peters; and Lindsey, Lauren and Christine were made honorary pages.

Senator Caskey introduced to the Senate, Ann Sullivan, and sixteen seventh and eighth grade students from Strasburg School, Strasburg.

Senator Jacob introduced to the Senate, Nancy Jackson, Tracy Lerbs, Erin O'Brien, Mary Konnesky and Kathy Payne, Columbia.

Senator Yeckel introduced to the Senate, Dana Lenzen, and fourth grade students from Kennerly School, St. Louis; and Tyler Krebeck, Kelly Weaver, Racquel Kelly and Jeff Faust were made honorary pages.

Senator Graves introduced to the Senate, former State Senator Glen Klippenstein, Maysville.

Senator Sims introduced to the Senate, the Physician of the Day, Ronald E. Hoffman, M.D. and Dr. Walter Graul, St. Louis.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Wednesday, April 30, 1997.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIRST DAY--WEDNESDAY, APRIL 30, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, help us to know the difference between conviction and stubbornness, tolerance and indifference and standing firm and being hard-headed. Teach us to know when to stand alone and when to cooperate, when to be different and when to go along, when to speak and when to be quiet. Bring out the good in us that together we might succeed. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

Senator Johnson assumed the Chair.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 754, regarding the Sixtieth Birthday of Jules L. Pass, St. Louis, which was adopted.

Senator Kinder offered Senate Resolution No. 755, regarding Richard Johnson, which was adopted.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate refuse to grant further conference on **SCS** for **HCS** for **HB 6**, as amended, and request that the House adopt the conference committee report on **SCS** for **HCS** for **HB 6**, as amended, and take up and pass **CCS** for **HB 6**, which request was granted.

THIRD READING OF SENATE BILLS

SJR 6, introduced by Senator Flotron, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to compensation of elected officials.

Was taken up by Senator Flotron.

On motion of Senator Flotron, **SJR 6** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--27	

Nays--Senators

Caskey	Curls	Howard	Jacob
Maxwell	Schneider--6		

Absent--Senators--Clay--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 274**, introduced by Senator McKenna, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 274

An Act to repeal sections 313.540 and 313.660, RSMo 1994, and sections 313.500 and 313.510, RSMo 1996, relating to off-track pari-mutuel wagering, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator McKenna, **SS** for **SCS** for **SB 274** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Curls	DePasco
Howard	Jacob	Johnson	Kinder
Lybyer	Mathewson	McKenna	Mueller
Quick	Schneider	Scott	Sims
Staples	Wiggins	Yeckel--19	

Nays--Senators

Caskey	Childers	Ehlmann	Flotron
Goode	Graves	House	Kenney
Klarich	Maxwell	Rohrbach	Russell
Singleton	Westfall--14		

Absent--Senators--Clay--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator McKenna moved that **SB 284**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 284**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 284

An Act to repeal sections 536.021 and 536.022, RSMo 1994, sections 8.710, 29.100, 33.090, 34.050, 36.060, 36.070, 41.948, 43.509, 66.380 and 536.025, RSMo Supp. 1996, and section 32.125, as both versions of such section appear in RSMo Supp. 1996, relating to rulemaking, and to enact in lieu thereof fifteen new sections relating to the same subject.

Was taken up.

Senator McKenna moved that **SCS** for **SB 284** be adopted.

Senator McKenna offered **SS** for **SCS** for **SB 284**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 284

An Act to repeal sections 37.010 and 103.059, RSMo 1994, and sections 8.710, 29.100, 33.090, 34.050, 36.060, 36.070, 41.948, 43.509, 66.380, 160.272, 161.102, 173.081, 192.006, 207.021, 260.225, 262.470, 276.406, 287.650, 326.110, 333.111, 337.050, 361.105, 374.045, 454.400, 620.010, 620.125, 630.050, 633.190, 640.010, 640.755, 643.050, 644.026, 650.005 and 660.017, RSMo Supp. 1996, and section 32.125, as both versions of such section appear in RSMo Supp. 1996, relating to rulemaking, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with an emergency clause.

Senator McKenna moved that **SS** for **SCS** for **SB 284** be adopted.

At the request of Senator McKenna, **SB 284**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Russell moved that **SB 69**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Nays--Senators--None

Absent--Senators--Clay--1

Absent with leave--Senators--None

On motion of Senator Russell, **SB 69**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay	Curls	Staples--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Pro Tem McKenna resumed the Chair.

Senator Westfall moved that **SCS** for **SB 104**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 104**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 104

An Act to repeal section 206.110, RSMo Supp. 1996, relating to the powers of hospital districts, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Westfall moved that **HCS** for **SCS** for **SB 104**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--Caskey--1

Absent--Senators

Clay	Schneider--2
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Absent with leave--Senators--None

On motion of Senator Westfall, **HCS** for **SCS** for **SB 104**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples

Westfall Wiggins Yeckel--31

Nays--Senators--Caskey--1

Absent--Senators

Clay Curls--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator House moved that **SCS** for **SB 220**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator House moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator House, **SCS** for **SB 220**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bentley moved that **SB 241**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 241**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 241

An Act to repeal sections 137.021 and 137.555, RSMo 1994, and section 137.016, RSMo Supp. 1996, relating to certain tax levies on property, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Bentley moved that **HCS** for **SB 241**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Childers	Clay
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Curls	DePasco	Ehlmann	Flotron
House	Howard	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--26		

Nays--Senators

Caskey	Goode	Graves	Jacob
Kinder	Mueller	Rohrbach	Russell--8

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Bentley, **HCS** for **SB 241**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators

Kinder	Mueller	Rohrbach--3
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Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SCS** for **SB 265**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 265**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 265

An Act to repeal sections 404.703, 404.705, 404.710, 404.714, 404.717, 404.723, 404.727, 404.730 and 474.490, RSMo 1994, and sections 404.719 and 456.520, RSMo Supp. 1996, relating to probate, and to enact in lieu thereof twenty-two new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **HCS** for **SCS** for **SB 265** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Banks--1

Absent with leave--Senators--None

On motion of Senator Caskey, **HCS** for **SCS** for **SB 265** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
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Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--Banks--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Kenney moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 316** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that **SB 368**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 368**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 368

An Act to repeal section 140.170, RSMo Supp. 1996, relating to delinquent property taxes, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Caskey moved that **HCS** for **SB 368** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Goode	Graves

House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Banks	Bentley	Flotron--3
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Absent with leave--Senators--None

On motion of Senator Caskey, **HCS** for **SB 368** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Flotron	Kinder--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
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Curls	DePasco	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators--None

Absent--Senators

Bentley	Ehlmann	Flotron	Klarich
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Lybyer--5

Absent with leave--Senators--None

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Schneider moved that the Senate refuse to concur in **HCS** for **SB 387** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Johnson moved that **HB 327**, with **SCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Johnson moved that the Senate recede from its position on **SCA 1**, which motion prevailed.

On motion of Senator Johnson, **HB 327** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Russell	Scott
Sims	Singleton	Staples	Westfall

Wiggins

Yeckel--30

Nays--Senators--Rohrbach--1

Absent--Senators

Clay

Howard

Schneider--3

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Maxwell moved that **HB 318**, with **SCS**, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Maxwell moved that the Senate recede from its position on **SCS** for **HB 318**, which motion prevailed.

On motion of Senator Maxwell, **HB 318** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

PRIVILEGED MOTIONS

Senator Bentley moved that the Senate refuse to concur in **HCA 1** to **SCS** for **SB 373** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon and further that the conferees be allowed to exceed the differences for the purpose of allowing a specific CON exemption for a nursing home for Catholic nuns at DePaul Hospital, which motion prevailed.

Senator Lybyer moved that **SCS** for **SB 402**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Lybyer, **SCS** for **SB 402**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann

Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 622** and has again taken up and passed **HB 622** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 526** and has again taken up and passed **HB 526** as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 734** and has again taken up and passed **HB 734** as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 712** and has again taken up and passed **HB 712** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 386** and has again taken up and passed **SCS** for **HB 386**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 793**, as amended, and has again taken up and passed **SCS** for **HB 793**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 107** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 250** and has again taken up and passed **HB 250** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 797** and has again taken up and passed **HB 797** as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 643** and has again taken up and passed **HB 643** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 63** and has again taken up and passed **SCS** for **HB 63**.

On motion of Senator Quick, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 756, regarding Miss Virginia Carrolla, which was adopted.

Senator Lybyer offered Senate Resolution No. 757, regarding Mrs. Judith Ryce, which was adopted.

Senator Wiggins offered Senate Resolution No. 758, regarding Miss Sara Beth Archer, Independence, which was adopted.

PRIVILEGED MOTIONS

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on

SCS for HCS for HB 2 submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, and that the House recede from its position on House Committee Substitute for House Bill No. 2, and the Conference Committee Substitute for House Bill No. 2, be adopted.

FOR THE SENATE: FOR THE HOUSE:

- /s/ Mike Lybyer /s/ Sheila Lumpe
- /s/ Harry Wiggins /s/ Deleta Williams
- /s/ Wayne Goode /s/ Richard Franklin
- /s/ John T. Russell /s/ Chuck Wooten
- /s/ Marvin Singleton /s/ Sandra D. Kauffman

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Curls	Graves	Schneider--3
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Absent with leave--Senators--None

On motion of Senator Lybyer, **CCS** for **HB 2**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money from the General Revenue Fund to the State School Moneys Fund, and to transfer money from the General Revenue Fund to the Video Instructional Development and Educational Opportunity Fund, and to transfer money from the General Revenue Fund to the Outstanding Schools Trust Fund, and to transfer money from the Gaming Proceeds for Education Fund to the State School Moneys Fund and to transfer money from the Gaming Proceeds for Education Fund to the School District Bond Fund and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1997 and ending June 30, 1998.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Curls	Ehlmann	Mueller	Quick--4
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 3**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 3

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, as amended, and that the House recede from its position on House Committee Substitute for House Bill No. 3, as amended, and the Conference Committee Substitute for House Bill No. 3, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe
/s/ Harry Wiggins /s/ Deleta Williams
/s/ Wayne Goode /s/ Richard Franklin
/s/ John T. Russell /s/ Bonnie Sue Cooper
/s/ Marvin Singleton /s/ Sandra D. Kauffman

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None			
Absent--Senators			
Bentley	Curls	Goode	Quick--4

Absent with leave--Senators--None

On motion of Senator Lybyer, **CCS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 4**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 4

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, as amended, and that the House recede from its position on House Committee Substitute for House Bill No. 4, as amended, and the Conference Committee Substitute for House Bill No. 4, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Deleta Williams

/s/ Wayne Goode /s/ Timothy Green

/s/ John T. Russell /s/ Ken Legan

/s/ Marvin Singleton Carl Vogel

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Lybyer, **CCS** for **HB 4**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1997 and ending June 30, 1998.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--Bentley--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 5**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 5

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, as amended begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, as amended, and that the House recede from its position on House Committee Substitute for House Bill No. 5, and the Conference Committee Substitute for House Bill No. 5, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Deleta Williams

/s/ Wayne Goode /s/ Timothy Green

/s/ John T. Russell /s/ Ken Legan

/s/ Marvin Singleton Carl Vogel

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Graves--1

Absent with leave--Senators--None

On motion of Senator Lybyer, **CCS** for **HB 5**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson

Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Banks moved that the Senate refuse to concur in **HCA 1** to **SB 262** and request the House to recede from its position and pass **SB 262**, which motion prevailed.

Senator Scott assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Banks moved that **HB 491**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

Part I was again taken up.

Senator McKenna offered **SA 7** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 7 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 1, Section 144.014, Line 21, by striking the word "**not**".

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 8** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 8 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 1, Section 144.014, Lines 12-13, by striking all of said lines and inserting in lieu thereof the following: "**retail sales of food shall be at the rate of one percent. The revenue derived from the one percent rate pursuant to**".

Senator Jacob moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 8** to **SSA 1** for **SA 1** and was joined in his request by Senators Clay, Jacob, Mueller and Staples.

SA 8 to **SSA 1** for **SA 1** failed of adoption by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	House	Howard
Jacob	Klarich	Mueller	Quick
Rohrbach--13			

Nays--Senators

DePasco	Ehlmann	Flotron	Goode
Graves	Johnson	Kenney	Kinder
Lybyer	Mathewson	Maxwell	McKenna
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--21			

Absent--Senators--None

Absent with leave--Senators--None

Senator Staples assumed the Chair.

Senator Singleton offered **SA 9** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 9 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 2, Section 144.016, Line 24, by inserting immediately after said line the

following:

"143.121. 1. The Missouri adjusted gross income of a resident individual shall be [his] **the individual's** federal adjusted gross income subject to the modifications in this section.

2. There shall be added to [his] **the individual's** federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added [under] **pursuant to** this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars.

3. There shall be subtracted from [his] **the individual's** federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes [under] **pursuant to** the laws of the United States. The amount subtracted [under] **pursuant to** this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining [his] **the individual's** federal adjusted gross income or included in [his] **such individual's** Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation [under] **pursuant to** sections 143.011 to 143.996 of any annuity or other amount of income or gain which was properly included in income or gain and was taxed [under] **pursuant to** the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in subsection 3 of section 135.357, RSMo, that would otherwise be included in federal adjusted gross income[.];

(g) **The first six thousand dollars of any social security benefits included in federal gross income pursuant to section 86 of the Internal Revenue Code.**

4. There shall be added to or subtracted from [his] **the individual's** federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from [his] **the individual's** federal adjusted gross income the modifications provided in section 143.411.

Section C. Section A of this act shall become effective on January 1, 1998, and shall apply to all taxable years beginning after December 31, 1997."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Rohrbach offered **SA 1 to SA 9 to SSA 1 for SA 1:**

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 9 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 9 to Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 3, Section 143.121, Line 13 of said page, by adding immediately before the "." on said line the following: "less any amount of income not subject to taxation under provisions of 143.124 RSMo".

Senator Rohrbach moved that the above amendment be adopted.

President Pro Tem McKenna resumed the Chair.

Senator Staples raised the point of order that **SA 1 to SA 9 to SSA 1 for SA 1** is out of order in that the amendment is in the third degree.

President Pro Tem McKenna ruled the point of order well taken.

At the request of Senator Singleton, **SA 9 to SSA 1 for SA 1** was withdrawn.

Senator Singleton offered **SA 10 to SSA 1 for SA 1:**

SENATE AMENDMENT NO. 10 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 2, Section 144.016, Line 24, by inserting immediately after said line the following:

"143.121. 1. The Missouri adjusted gross income of a resident individual shall be [his] **the individual's** federal adjusted gross income subject to the modifications in this section.

2. There shall be added to [his] **the individual's** federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its

political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added [under] **pursuant to** this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars.

3. There shall be subtracted from [his] **the individual's** federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes [under] **pursuant to** the laws of the United States. The amount subtracted [under] **pursuant to** this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining [his] **the individual's** federal adjusted gross income or included in [his] **such individual's** Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation [under] **pursuant to** sections 143.011 to 143.996 of any annuity or other amount of income or gain which was properly included in income or gain and was taxed [under] **pursuant to** the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in subsection 3 of section 135.357, RSMo, that would otherwise be included in federal adjusted gross income[.];

(g) The first six thousand dollars of any social security benefits included in federal gross income pursuant to section 86 of the Internal Revenue Code less any amount of income not subject to taxation under Section 143.124, Subsection 3.

4. There shall be added to or subtracted from [his] **the individual's** federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from [his] **the individual's** federal adjusted gross income the modifications provided in section 143.411.

Section C. Section A of this act shall become effective on January 1, 1998, and shall apply to all taxable years beginning after December 31, 1997."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Mueller asked that Part I be divided into 2 parts, requesting that Lines 1-8 of the first page, Section 144.014

on pages 1 and 2 and Section B on page 2 be voted on first and a second vote be taken on Section 144.016, which request was granted.

Senator Mueller requested a roll call vote be taken on Part I-B of **SSA 1** for **SA 1** and was joined in his request by Senators Westfall, Russell, Rohrbach and Ehlmann.

Senator Mathewson moved that Part I-A be adopted.

Senator Wiggins assumed the Chair.

Senator Goode raised the point of order that the request for a further division of Part I of **SSA 1** for **SA 1** is out of order as the subject matter of the second division had been previously addressed by the body by amendment.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem McKenna resumed the Chair.

Senator Mathewson moved that Part I-A of **SSA 1** for **SA 1** be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of Part I-A of **SSA 1** for **SA 1** and was joined in his request by Senators Bentley, Singleton, Westfall and Ehlmann.

Part I-A was adopted by the following vote:

Yeas--Senators

Bentley	Childers	DePasco	Ehlmann
Goode	Graves	House	Johnson
Kenney	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Westfall	Wiggins

Yeckel--25

Nays--Senators

Banks	Caskey	Clay	Curls
Flotron	Howard	Jacob	Kinder

Singleton--9

Absent--Senators--None

Absent with leave--Senators--None

President Wilson resumed the Chair.

Senator Mathewson moved that Part I-B of **SSA 1** for **SA 1** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Caskey	Childers	DePasco	Flotron
Goode	House	Jacob	Johnson
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Schneider	Scott
Staples	Wiggins--18		

Nays--Senators

Banks	Bentley	Clay	Curls
Ehlmann	Graves	Howard	Kenney
Kinder	Mueller	Rohrbach	Russell
Sims	Singleton	Westfall	Yeckel--16

Absent--Senators--None

Absent with leave--Senators--None

Part II of **SSA 1** for **SA 1** was taken up.

Senator Rohrbach offered **SA 11** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 11 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Section 143.124, Line 21, by inserting after the number "2000" the following: **"provided, however, that the total amount of retirement benefits from all sources subtracted from Missouri adjusted gross income shall not exceed six thousand dollars for each taxpayer"**.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson moved that Part II of **SSA 1** for **SA 1**, as amended, be adopted, which motion prevailed.

Part III of **SSA 1** for **SA 1** was taken up.

Senator Kenney offered **SA 12** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 12 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 6, Section 143.161, Line 15, by adding at the end of line 15 the following: "For all tax years beginning on or after January 1, 1999, a resident may deduct one thousand dollars for each dependent for

whom he is entitled to a dependency exemption deduction for federal income tax purposes. For all tax years beginning on or after January 1, 2000, a resident may deduct one thousand two hundred dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes."

Senator Kenney moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Mathewson moved that Part III of **SSA 1** for **SA 1**, as amended, be adopted, which motion prevailed.

Part IV of **SSA 1** for **SA 1** was taken up.

Senator Klarich offered **SA 13** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 13 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Pages 6-11, Section 1, Line 19, by deleting all of said section and replace in lieu thereof the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, **but before December 31, 1997**, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils). **For all tax years beginning on or after January 1, 1998, but before December 31, 1999, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue code for the same taxable year for which the Missouri return is being filed, not to exceed ten thousand dollars on a single taxpayer's return or fifteen thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2000, but before December 31, 2001, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed fifteen thousand dollars on a single taxpayer's return or twenty-thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2002, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, after reduction for all credits thereon, except as specified in this subsection.**

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and

section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 13** to **SSA 1** for **SA 1** is out of order in that it is not a perfecting amendment as it goes beyond the scope of the substitute amendment by attempting to amend sections not in the substitute amendment.

Senator Wiggins resumed the Chair.

At the request of Senator Klarich, **SA 13** to **SSA 1** for **SA 1** was withdrawn, rendering the point of order moot.

Senator Klarich offered **SA 14** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 14 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Pages 6-11, Section 1, Line 19, by deleting all of said section.

Senator Klarich moved that the above amendment be adopted.

Senator Klarich was recognized to close.

At the request of Senator Banks, **HB 491**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 1** for **SA 1** and **SA 14** to **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

President Wilson resumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 777**, entitled:

An Act to repeal sections 595.010 and 595.020, RSMo 1994, relating to victims of crime, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 697**, entitled:

An Act to repeal section 43.265, RSMo Supp. 1996, relating to the highway patrol's funds, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 641** and **593**, entitled:

An Act to repeal sections 162.970, 162.975 and 162.980, RSMo 1994, and section 167.126, RSMo Supp. 1996, relating to state aid for special education programs, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 513**, entitled:

An Act to repeal section 253.401, RSMo 1994, relating to historic preservation tax credits, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 578**, entitled:

An Act to repeal section 135.352, RSMo Supp. 1996, relating to tax credits, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 303**, entitled:

An Act to repeal sections 238.202, 238.207, 238.210, 238.212, 238.215, 238.220, 238.227, 238.230, 238.232, 238.235, 238.237 and 238.240, RSMo 1994, relating to transportation development districts, and to enact in lieu thereof fourteen new sections relating to the same subject.

With House Amendments Nos. 1 and 2.

Amend House Committee Substitute for Senate Bill No. 303, Page 12, Section 238.235, Line 6, by deleting the words "**public utilities**" and inserting in lieu thereof the following: "**all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance**"; and

Further amend said bill, Page 12, Section 238.235, Line 37, by deleting "second calendar quarter [" and inserting in lieu thereof the words "[second calendar quarter"; and

Further amend said bill, Page 12, Section 238.235, Line 38, by inserting immediately before the word "**following**" the word "**month**".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 303, Page 1, Section A, Line 5, by inserting after all of said line the following:

"70.385. [Each appointment] **1. Two of the five appointments** made by the governor [under] **pursuant to** the provisions of section 70.380 shall be selected from a panel of three nominees[, submitted alternately as vacancies occur,] **submitted** by the mayor of St. Louis city [and]. **Two of the five appointments made by the governor pursuant to the provisions of section 70.380 shall be selected from a panel of three nominees submitted by the county executive of St. Louis County.**

2. The fifth appointment made by the governor pursuant to section 70.380 shall be selected from a panel of three nominees submitted alternately by the mayor of St. Louis city and the county executive of St. Louis County. The next appointment following August 28, 1997, shall be to fill the commissioner position described in this subsection and shall be made from three nominees submitted by the county executive of St. Louis County. The next appointment for the commissioner position described in this subsection shall be made from three nominees submitted by the mayor of St. Louis city whereupon the order of nomination and appointment for this position will repeat itself.

3. The order of the appointments made pursuant to subsection 1 of this section shall be as follows:

(1) One from the panel of nominees submitted by the mayor of St. Louis city;

(2) One from the panel of nominees submitted by the county executive of St. Louis County whereupon the order of such appointments shall repeat itself.

4. Whenever the mayor or the county executive submits a panel of three nominees, they shall adhere to the intent set forth in the provisions of subsection 2 of section 213.020, RSMo.

70.390. Of the commissioners first appointed one shall be appointed to serve for a term of one year, one for two years, one for three years, one for four years and one for five years. At the expiration of the term of each commissioner and of each succeeding commissioner, the governor shall, by and with the advice and consent of the senate, appoint a successor who shall hold office for a term of five years **if such successor is appointed to fill a commissioner position described in subsection 1 of this section. If a commissioner is appointed to fill the commissioner position described in subsection 2 of this section, then such commissioner shall hold office for a term of three years.** Each commissioner shall hold office until his or her successor has been appointed and qualified."; and

Further amend said bill, by amending the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 212**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 459**, entitled:

An Act to repeal sections 2.040 and 2.050, RSMo 1994, relating to session laws, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 298**, entitled:

An Act to repeal sections 86.260, 86.267, 86.387, 86.447, 86.450, 86.453, 86.457, 86.463, 86.467, 86.620, 86.650 and 86.670, RSMo 1994, and sections 86.256, 86.280, 86.283, 86.287, 86.370, 86.430, 86.600, 86.630 and 86.672, RSMo Supp. 1996, relating to certain police retirement systems, and to enact in lieu thereof twenty-two new sections relating to the same subject.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 298, Page 1, In the Title, Line 2, by inserting after the word "sections" the following: "84.030, 84.360,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the word "Sections" the following: "84.030, 84.360,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the word "sections" the following: "84.030, 84.360,"; and

Further amend said bill, Page 1, Section A, Line 6, by inserting after all of said line the following:

"84.030. Beginning on January 9, 1989, the governor of the state of Missouri, by and with the advice and consent of the senate, shall appoint the four commissioners provided for in section 84.020, and one commissioner shall be appointed for a term of one year; one commissioner shall be appointed for a term of two years; one commissioner shall be appointed for a term of three years; one commissioner shall be appointed for a term of four years. Their successors shall each be appointed for a term of four years, and [said] **such** commissioners shall hold office for their term of appointment and until their successors shall have been appointed and qualified. **Beginning with the first appointment made after the effective date of this section and every four years thereafter, the commissioner so appointed shall be a retired member of the police force in good standing, who served as a member of such police force for at least ten years and who at no time held any rank higher than lieutenant.** In case of a vacancy in [said] **such** board for any cause whatsoever, it shall be filled by appointment for the unexpired term, in the same manner as in the case of original appointments. The governor shall issue commissions to the persons so appointed, designating the time for which they are appointed in case the appointment is to fill an unexpired term occasioned by death, resignation or any other cause,

and whenever the term of office of any commissioner expires, the appointment of [his] **the commissioner's** successor shall be for four years. The commissioners now holding offices under existing laws in any city of this state to which sections 84.010 to 84.340 apply are to hold their offices until the expiration of their terms, and their successors are duly appointed and qualified.

84.360. The governor of the state of Missouri, by and with the consent of the senate, shall appoint the four commissioners provided for in section 84.350, and one commissioner shall be appointed for a term of one year; one commissioner shall be appointed for a term of two years; one commissioner shall be appointed for a term of three years; one commissioner shall be appointed for a term of four years. Their successors shall each be appointed for a term of four years, and [said] commissioners shall hold office for their term of appointment and until their successors shall have been appointed and qualified. **Beginning with the first appointment made after the effective date of this section and every four years thereafter, the commissioner so appointed shall be a retired member of the police force in good standing, who served as a member of such police force for at least ten years and who at no time held any rank higher than lieutenant.** In case of a vacancy in [said] **such** board from any cause whatever, it shall be filled by appointment for the unexpired term, in the same manner as in the case of original appointments. The governor shall issue commissions to the persons so appointed, designating the time for which they are appointed in case the appointment is to fill an unexpired term occasioned by death, resignation or any other cause whatever, and whenever the term of office of any commissioner expires, the appointment of [his] **the commissioner's** successor shall be for four years."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 56**, entitled:

An Act to repeal sections 547.200, 552.020, 556.036, 566.617, and 568.060, RSMo 1994, relating to court procedure, and to enact in lieu thereof twenty-two new sections relating to the same subject, with penalty provisions.

With House Amendment No. 2.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 56, Page 20, Line 31, by inserting after all of said line, the following:

"562.021. 1. If the definition of an offense prescribes a culpable mental state but does not specify the conduct, attendant circumstances or result to which it applies, the prescribed culpable mental state applies to each such material element.

2. Except as provided in section 562.026, if the definition of an offense does not expressly prescribe a culpable mental state, a culpable mental state is nonetheless required and is established if a person acts purposely or knowingly or recklessly, but criminal negligence is not sufficient.

3. If the definition of an offense prescribes criminal negligence as the culpable mental state, it is also established if a person acts purposely or knowingly or recklessly. When recklessness suffices to establish a culpable mental state, it is also established if a person acts purposely or knowingly. When acting knowingly suffices to establish a culpable mental state, it is also established if a person acts purposely.

[3.] **4.** Knowledge that conduct constitutes an offense, or knowledge of the existence, meaning or application of the statute defining an offense is not an element of an offense unless the statute clearly so provides."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 170**, entitled:

An Act to repeal sections 143.411, 143.471, 347.020, 347.037, 347.039, 347.069, 347.081, 347.103, 347.109, 347.121, 347.125, 347.129, 347.133, 347.137, 347.141, 347.700, 347.705, 347.710, 355.066, 355.071, 355.197, 355.211, 355.221, 355.431, 355.471, 359.011, 359.061, 359.165, 359.201, 359.341, 359.351, 359.451, 408.035, 484.020 and 486.330, RSMo 1994, and sections 347.015, 347.187, 358.150, 358.440, and 358.510, RSMo Supp. 1996, relating to regulation of businesses, and to enact in lieu thereof forty-five new sections relating to the same subject with an emergency clause, and penalty provisions.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 170, Page 2, Section 143.411, Line 23, by inserting immediately after the word "return." the following:

"If the nonresident partner's filing requirements results solely from one or more interests in any other partnerships or sub-chapter "S" corporations, that non-resident partner may be included in the composite return.";

And further amend said section, Page 3, Line 47, by deleting the word "**election**" and by inserting in lieu thereof the word "**agreement**";

And further amend said bill, Page 4, Section 143.471, Line 35, by inserting immediately after the word "return." the following:

"If the nonresident shareholder's filing requirements results solely from one or more interests in any other partnerships or subchapter "S" corporations, that nonresident shareholder may be included in the composite return.";

And further amend said bill, Page 20, Section 347.705, Line 17, by inserting immediately after the words "limited partnership" the following:

"limited liability partnership, limited liability limited partnership";

And further amend said bill, Page 33, Section 358.510, Line 1, by inserting immediately after the word "liability" the word "**limited**";

And further amend said section, Page 33, Line 3, by inserting immediately after the word "liability" the word "**limited**";

And further amend said bill, Page 36, 359.165, Line 49, by deleting the second "**by**" on said line and by inserting in lieu thereof the word "**with**".

Emergency clause adopted.

In which concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **SB 340**.

Bill ordered enrolled.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 759, regarding Dr. Duane Sterling, which was adopted.

Senator Caskey offered Senate Resolution No. 760, regarding Donald E. Lovland, which was adopted.

Senator Kenney offered Senate Resolution No. 761, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Sam Hibbard, Lee's Summit, which was adopted.

Senator Schneider offered Senate Resolution No. 762, regarding Anthony D. Westbrooks, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 763, regarding the Fiftieth Anniversary of the City of Bella Villa, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Kari Sosnoff, Chesterfield.

Senator Westfall introduced to the Senate, Robert Newman, Republic.

Senator Schneider introduced to the Senate, Donny Schmidt, St. Louis; and Donny was made an honorary page.

Senator Flotron introduced to the Senate, Robert Kahn, Chesterfield.

Senator Kinder introduced to the Senate, Donna Domian, Bob Eatherton and David Beasley, Cape Girardeau.

Senator Bentley introduced to the Senate, Dr. Bob Glenn, Springfield.

Senator Lybyer introduced to the Senate, Emily Lou Brent, Rolla.

Senator Russell introduced to the Senate, Dr. Thomas Macdonnell, Marshfield.

Senator Klarich introduced to the Senate, the Physician of the Day, Dr. Gregory K. Terpstra, and his wife, Wilma, Potosi.

Senator Ehlmann introduced to the Senate, Don Boschert, Jr., St. Charles.

Senator Mueller introduced to the Senate, Judge David McMullan and Bea Honbert, St. Louis.

Senator Graves introduced to the Senate, Sherry Gooden and Robert Reasoner, Chillicothe.

Senator House introduced to the Senate, Mrs. Mudd, Dottie Henke, and nineteen fourth and fifth grade students from St. Alphonsus School, Silex.

Senator Caskey introduced to the Senate, Diane and Matt Magness, Harrisonville; and Matt was made an honorary page.

Senator Caskey introduced to the Senate, Jim Merryfield, Windsor; and Dale Gregory, Columbia.

Senator Staples introduced to the Senate, David Holman and his daughter, Kim, Farmington.

Senator Russell introduced to the Senate, Lisa Jones, Julie Jackson, and thirty sixth grade students from Norwood R-I School.

Senator Schneider introduced to the Senate, Diane Zykan, and students from St. Dismas Elementary School, St. Louis; and Jenny Baer, Steven Kister, Kyle O'Donnell and Rick Marino were made honorary pages.

Senator Caskey introduced to the Senate, Steve Dryden, Raymore.

Senator Wiggins introduced to the Senate, Jennifer Barker, Eric Jenkins, Myron King, Scott Betz, Casie Collignon, Josh Coffman, Adam Whyte, Elizabeth Repko and Linda M. Collier, Kansas City.

Senator Lybyer introduced to the Senate, Brad Black, Tom Huffington, and eighth grade students from Licking R-VIII

School, Licking.

Senator Westfall introduced to the Senate, Mr. and Mrs. Darren Redd, Polk County.

Senator Johnson introduced to the Senate, Connie, Michael and Nathan Shalz, homeschoolers from St. Joseph; and Michael and Nathan were made honorary pages.

Senator Westfall introduced to the Senate, Mike and Nancy Stephens, Bolivar.

Senator Childers introduced to the Senate, Christina Tabuchi, Sharon Landwer, Constance Elmore, Branson; and Christina was made an honorary page.

Senator Kenney introduced to the Senate, Kim Rimmer, Ken, Donna, Melanie and Tracie Rimmer, Joy Angotti, Sheri Lamb, Jamie Angotti, Laura Burgess and Rosalee Donnelly, Lee's Summit.

Senator Mueller introduced to the Senate, Rev. and Mrs. Ted Schroeder, St. Louis.

Senator Russell introduced to the Senate, his wife, Margaret, and his sister-in-law, Betsy Luthy, Lebanon.

Senator Caskey introduced to the Senate, Brenda Foerschler, and one hundred seventy-five third grade students from Harrisonville Elementary School, Harrisonville.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Thursday, May 1, 1997.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SECOND DAY--THURSDAY, MAY 1, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, instill in each of our hearts the faith to continue through this life when things aren't going well. Direct each step we take. Give to us the strength to follow where You lead. Be with us, for with You beside us we can do all things. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Quick offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 764

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to purchase and deliver to each Senator postage stamps not to exceed the value of eight hundred dollars (\$800.00) and to take his or her receipt for the amount of postage stamps delivered, said stamps to be used by each Senator only for official business connected with his office, the expenses of same to be paid out of the contingent fund of the Senate.

Senator Johnson assumed the Chair.

Senator Flotron offered Senate Resolution No. 765, regarding Joe Abellard, St. Louis, which was adopted.

Senator Howard offered Senate Resolution No. 766, regarding Bennie N. Till, M.D., FAFP, Poplar Bluff, which was adopted.

PRIVILEGED MOTIONS

Senator Klarich moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 56**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that **SB 170**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 170**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 170

An Act to repeal sections 143.411, 143.471, 347.020, 347.037, 347.039, 347.069, 347.081, 347.103, 347.109, 347.121, 347.125, 347.129, 347.133, 347.137, 347.141, 347.700, 347.705, 347.710, 355.066, 355.071, 355.197, 355.211, 355.221, 355.431, 355.471, 359.011, 359.061, 359.165, 359.201, 359.341, 359.351, 359.451, 408.035, 484.020 and 486.330, RSMo 1994, and sections 347.015, 347.187, 358.150, 358.440, and 358.510, RSMo Supp. 1996, relating to regulation of businesses, and to enact in lieu thereof forty-five new sections relating to the same subject with an emergency clause, and penalty provisions.

Was taken up.

Senator Caskey moved that **HCS** for **SB 170**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Nays--Senators--None

Absent--Senator Klarich--1

Absent with leave--Senators--None

On motion of Senator Caskey, **HCS** for **SB 170**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Klarich Scott--2

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims

Singleton Staples Westfall Wiggins
Yeckel--33

Nays--Senators--None

Absent--Senator Klarich--1

Absent with leave--Senators--None

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator DePasco moved that the Senate refuse to concur in **HCS** for **SB 298**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Quick moved that **SB 303**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 303**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 303

An Act to repeal sections 238.202, 238.207, 238.210, 238.212, 238.215, 238.220, 238.227, 238.230, 238.232, 238.235, 238.237 and 238.240, RSMo 1994, relating to transportation development districts, and to enact in lieu thereof fourteen new sections relating to the same subject.

Was taken up.

Senator Quick moved that **HCS** for **SB 303**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall

Wiggins Yeckel--34

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Quick, **HCS** for **SB 303**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Wiggins moved that **SB 459**, with **HS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SB 459**, entitled:

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 459

An Act to repeal sections 2.040 and 2.050, RSMo 1994, relating to session laws, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **HS** for **SB 459** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Wiggins, **HS** for **SB 459** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Rosa L. Miller, as a member of Missouri Board for Respiratory Care;

Also,

Mark V. Kenney, as a member of the Community Service Commission;

Also,

Anne B. Schmidt, as a member of the Child Abuse and Neglect Review Board;

Also,

Joseph J. Mulvihill, as a member of the Kansas City Board of Police Commissioners;

Also,

Daniel R. Keller, as a member of the Tourism Commission;

Also,

Patricia A. Garney, as a member of the Missouri Women's Council;

Also,

Thomas M. Macdonnell, M.D., as a member of the State Board of Health;

Also,

Robert P. Neumann, as a member of the Missouri Historical Records Advisory Board;

Also,

Robert J. Gillihan, as a member of the Kansas City Area Transportation Authority;

Also,

Lisa M. Boone, as a member of the Missouri Emergency Response Commission;

Also,

Rosa L. Miller, as a member of the Advisory Council on Emergency Medical Service;

Also,

Albert A. Santoscoy, as a member of the Missouri Board for Barber Examiners;

Also,

Rose C. Brower and Nell M. Pollnow, as members of the Missouri Health Facilities Review Committee;

Also,

William E. Hickle and Roy C. Wilson, M.D., as members of the Missouri Head Injury Advisory Council;

Also,

James D. Jackson, as a member of the Missouri Planning Council for Developmental Disabilities;

Also,

Martin E. Harrington and Thomas P. Rackers, as members of the Missouri Development Finance Board;

Also,

Roddy J. Rogers, as a member of the Dam and Reservoir Safety Council.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator McKenna moved that **SB 284**, with **SCS** and **SS** for **SCS**, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 284** was again taken up.

At the request of Senator McKenna, the above substitute bill was withdrawn.

Senator McKenna offered **SS No. 2** for **SCS** for **SB 284**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 284

An Act to repeal sections 37.010 and 103.059, RSMo 1994, and sections 8.710, 29.100, 33.090, 34.050, 36.060,

36.070, 41.948, 43.509, 66.380, 160.272, 161.102, 173.081, 192.006, 207.021, 260.225, 262.470, 276.406, 287.650, 326.110, 333.111, 337.050, 361.105, 374.045, 454.400, 620.010, 620.125, 630.050, 633.190, 640.010, 640.755, 643.050, 644.026, 650.005 and 660.017, RSMo Supp. 1996, and section 32.125, as both versions of such section appear in RSMo Supp. 1996, relating to rulemaking, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with an emergency clause.

Senator McKenna moved that **SS No. 2** for **SCS** for **SB 284** be adopted, which motion prevailed.

On motion of Senator McKenna, **SS No. 2** for **SCS** for **SB 284** was declared perfected and ordered printed.

PRIVILEGED MOTIONS

Senator Caskey moved that **HB 107**, with **SCS**, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Caskey moved that the Senate recede from its position on **SCS** for **HB 107**, which motion prevailed.

On motion of Senator Caskey, **HB 107** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senator Lybyer--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HB 513**--Ways and Means.

HB 578--Corrections and General Laws.

HCS for **HBs 641** and **593**--Education.

HCS for **HB 697**--Corrections and General Laws.

HB 777--Civil and Criminal Jurisprudence.

HOUSE BILLS ON THIRD READING

Senator Banks moved that **SB 491**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 1** for **SA 1** and **SA 14** to **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Staples assumed the Chair.

Senator Klarich moved that **SA 14** to **SSA 1** for **SA 1** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Banks, Kenney, Rohrbach and Russell.

President Pro Tem McKenna resumed the Chair.

SA 14 to **SSA 1** for **SA 1** failed of adoption by the following vote:

Yeas--Senators

Flotron	Graves	Kinder	Klarich
Mueller	Rohrbach	Russell	Schneider
Sims	Singleton	Westfall--11	

Nays--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	House	Howard	Jacob
Johnson	Kenney	Lybyer	Mathewson
Maxwell	McKenna	Quick	Scott
Staples	Wiggins	Yeckel--23	

Absent--Senators--None

Absent with leave--Senators--None

Senator Ehlmann offered **SA 15** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 15 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 11, Section 1, Line 23 of said page, by inserting immediately after "1998" the following: ".

9. Other provisions of law to the contrary notwithstanding, no public eligible institution of postsecondary education may increase tuition or fees for any undergraduate program for the current year, as compared to the previous year, by more than the annual increase in general price level, as defined in article X, section 17 of the Missouri constitution. No student shall claim, or have claimed on the student's behalf, a challenge scholarship for postsecondary credit hours earned at a private eligible institution of postsecondary education if that institution has increased tuition or fees for any undergraduate program for the current year, as compared to the previous year, by more than the annual increase in general price level, as defined in article X, section 17 of the Missouri constitution. The provisions of this subsection will expire on August 28, 2000."

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson moved that Part IV of **SSA 1** for **SA 1**, as amended, be adopted and requested a roll call vote be taken. He was joined in his request by Senators Banks, Kenney, Rohrbach and Russell.

Part IV of **SSA 1** for **SA 1**, as amended, was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Quick
Scott	Staples	Westfall	Wiggins
Yeckel--25			

Nays--Senators

Clay	Flotron	Klarich	Mueller
Rohrbach	Russell	Schneider	Sims
Singleton--9			

Absent--Senators--None

Absent with leave--Senators--None

Senator Wiggins offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 1, In the Title, Line 6 of said

title, by inserting immediately after the word "section" the following: "and an effective date for certain sections"; and

Further amend said bill and page, section A, line 4 of said page, by inserting immediately after said line the following:

"143.111. The Missouri taxable income of a resident shall be his Missouri adjusted gross income less: (1) either[:] the Missouri standard deduction or the Missouri itemized deduction[.]; (2) the Missouri deduction for personal exemptions[.]; (3) the Missouri deduction for dependency exemptions[.]; (4) the deduction for federal income taxes provided in section 143.171[.]; **and (5) the deduction for tuition or attendance fees and direct expenses including but not limited to book fees, necessary supplies and transportation costs provided in section 143.222.**

143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.

5. For all tax years beginning on or after September 1, 1997, a corporate taxpayer shall be allowed a deduction for the amount the taxpayer has paid to others for any pupil or pupils in grades nine through twelve for tuition or attendance fees and direct expenses including but not limited to book fees, necessary supplies, and transportation costs for or on behalf of any pupil or pupils attending a secondary school situated in Missouri, wherein a resident of this state may legally fulfill the state's compulsory attendance laws, up to a maximum of two thousand five hundred dollars for any pupil.

143.222. In addition to the amounts to be subtracted from his federal adjusted gross income to determine his Missouri adjusted gross income under the provisions of section 143.121, there shall be subtracted the amount the taxpayer has paid to others for any pupil or pupils in grades nine through twelve, for tuition or attendance fees and direct expenses including but not limited to book fees, necessary supplies, and transportation costs for or on behalf of any pupil or pupils attending a secondary school situated in Missouri, wherein a resident of this state may legally fulfill the state's compulsory attendance laws, up to a maximum of two thousand five hundred dollars for any pupil."; and

Further amend said bill, page 4, section B, line 21 of said page, by inserting immediately after said line the following:

"Section B. Sections 143.111 and 143.222 shall become effective on January 1, 1998, and shall apply to all taxable years beginning after December 31, 1997."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted.

Senator Flotron offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Section 144.020, Line 9, by adding after said line the following:

"143.111. The Missouri taxable income of a resident shall be his Missouri adjusted gross income less: (1) either[:] the Missouri standard deduction or the Missouri itemized deduction[.]; (2) the Missouri deduction for personal exemptions[.]; (3) the Missouri deduction for dependency exemptions[.]; (4) the deduction for federal income taxes provided in section 143.171[.]; and, (5) **the deduction for tuition, attendance fees or school supplies provided in section 143.122.**

143.122. In addition to the amounts to be subtracted from his federal adjusted gross income to determine his Missouri adjusted gross income under the provisions of section 143.121, there shall be subtracted the amount the taxpayer has paid to others for each dependent in grades nine through twelve, for tuition, attendance fees, or school supplies for or on behalf of each dependent in attending a secondary school situated in Missouri, up to a maximum of two thousand five hundred dollars for each dependent."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above substitute amendment be adopted.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

Senator Kinder requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2** and was joined in his request by Senators Caskey, Ehlmann, Sims and Yeckel.

Senator Ehlmann offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 1, Section 143.122, Line 4, by adding after the words "surplus", the words "or transportation costs".

Senator Ehlmann moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 1** to **SSA 1** for **SA 2** is out of order in that it is not a true perfecting amendment as it is substantive in nature and thus is in the third degree.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Ehlmann moved that **SA 1** to **SSA 1** for **SA 2** be adopted, which motion prevailed on a standing division vote.

Senator Singleton offered **SPA 1** to **SSA 1** for **SA 2**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

TO SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 1, Section 143.122, Lines 3 and 5 of said section, by deleting the word "nine" and inserting "**first**" and delete further on line 10 the word "secondary" and inserting "elementary and secondary".

Senator Singleton moved that the above perfecting amendment be adopted, which motion failed.

Senator Flotron moved that **SSA 1** for **SA 2**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	Kenney
Kinder	Klarich	McKenna	Rohrbach
Schneider	Scott	Sims	Singleton
Wiggins	Yeckel--18		

Nays--Senators

Banks	Caskey	Childers	House
Jacob	Johnson	Lybyer	Mathewson
Maxwell	Mueller	Quick	Russell
Westfall--13			

Absent--Senators

Bentley	Staples--2
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Absent with leave--Senator Howard--1

Senator Flotron offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Section 144.020, Line 9 of said page, by inserting immediately after all of said line the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of

the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry which is to be used in the feeding of livestock or poultry to be sold ultimately in processed form or otherwise at retail; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, sagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Machinery and equipment, and the materials and supplies solely required for the installation or construction of such machinery and equipment, replacing and used for the same purposes or to produce a substantially similar product as the machinery and equipment, which is purchased for and used directly for manufacturing or fabricating a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint used in newspapers published for dissemination of news to the general public;

- (9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;
- (10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;
- (11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;
- (12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;
- (13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;
- (14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;
- (15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;
- (16) Tangible personal property purchased by a rural water district;
- (17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;
- (18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples **and all sales of medical oxygen**;
- (19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;
- (20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not for profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations pursuant to section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries

of the state, and all sales made to any private not for profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not for profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, and all sales of farm machinery, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "farm machinery" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first

month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.440, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Childers offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 8, Section 144.030, Line 1, by inserting after the word "thereon" on said line the words "posts, gates, panels, wire, and other fencing materials".

Senator Childers moved that the above amendment be adopted, which motion failed.

Senator Wiggins assumed the Chair.

SA 3 was again taken up.

President Wilson resumed the Chair.

Senator Flotron moved that **SA 3** be adopted, which motion prevailed on a standing division vote.

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Line 19 by inserting immediately after said line the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry which is to be used in the feeding of livestock or poultry to be sold ultimately in processed form or otherwise at retail; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) **Replacement** machinery [and], equipment, **and parts** and the materials and supplies solely required for the installation or construction of such **replacement** machinery [and], equipment, [replacing and used for the same purposes or to produce a substantially similar product as the machinery and equipment, which is purchased for] **and parts used in** directly [for] manufacturing [or], fabricating **or producing** a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same

meaning pursuant to section 301.010, RSMo;

(5) Machinery [and], equipment, **and parts** and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint used in newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in section 1862(a)(12)

of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not for profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations pursuant to section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not for profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not for profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, and all sales of farm machinery, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "farm machinery" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made

by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.440, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 1, Section A, Line 4 by

inserting immediately after said line the following:

"135.550. 1. As used in this section, the following terms shall mean:

(1) "Maternity home", a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;

(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo;

(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable year is at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars.

7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social

services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

135.600. 1. As used in this section, the following terms shall mean:

(1) "Shelter for victims of domestic violence", a facility located in this state which meets the definition of a shelter for victims of domestic violence under section 455.200, RSMo, and which meets the requirements of section 455.220, RSMo;

(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo;

(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence in such taxpayer's taxable year is at least one hundred dollars.

5. The director of public safety shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence. The director of public safety may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of public safety shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in subsection 1 of this section.

6. The director of public safety shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence, and by which such taxpayer can then contribute to such shelter for victims of domestic violence and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one fiscal year shall not exceed two million dollars.

7. The director of public safety shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of public safety, the cumulative amount of tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the

director of public safety, of its apportioned tax credits during this predetermined period of time, the director of public safety may reapportion these unused tax credits to those shelters for victims of domestic violence that have used all, or some percentage to be determined by the director of public safety, of their apportioned tax credits during this predetermined period of time. The director of public safety may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of public safety shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Section 144.140, Line 19, by inserting after said line the following:

"Section 2. The amount of any allowable challenge scholarship under Section 1 of this act shall be based upon the Missouri adjusted gross income for the preceding year for the student's household, or the parent's household if the student is reported as a dependent, and shall be determined by the following table:

If the claimant's Missouri The scholarship

adjusted gross income is: fraction shall be:

Under \$40,000 . . . 100%

\$40,001 to \$60,000 66 2/3%

Over \$60,000 0%."

and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Flotron requested a roll call vote be taken on the adoption of **SA 6** and was joined in his request by Senators Childers, Jacob, Rohrbach and Sims.

SA 6 failed of adoption by the following vote:

Yeas--Senators

Bentley	Childers	Flotron	Goode
Jacob	Kinder	Klarich	Lybyer
Rohrbach	Russell	Schneider	Sims

Westfall--13

Nays--Senators

Banks	Caskey	Clay	DePasco
Ehlmann	Graves	House	Kenney
Mathewson	Maxwell	Mueller	Quick
Scott	Singleton	Wiggins	Yeckel--16

Absent--Senators

Curls	Johnson	Staples--3
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Absent with leave--Senators

Howard	McKenna--2
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Senator Singleton offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Section 144.140, Line 19 of said page, by inserting immediately after said line the following:

"Section 1. Any excess revenue which exists after the first full year of implementation of this act shall be refunded pursuant to the provisions of article X, section 18 of the Missouri constitution."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Rohrbach offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Section 144.140, Line 19, by inserting immediately after said line the following:

"Section 2. The actual amount of allowable challenge scholarship in Section 1 of this act shall be limited to the actual amount of money paid by the eligible claimant to an eligible institution of post-secondary education for tuition and fees."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Section 144.140, Line 19, by inserting immediately after said line the following:

"Section 2. For purposes of Section 1 of this act, no corporation, partnership or other business entity shall qualify to claim a challenge scholarship on behalf of an eligible student."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Banks moved that **SS** for **SCS** for **HB 491**, as amended, be adopted, which motion prevailed.

On motion of Senator Banks, **SS** for **SCS** for **HB 491**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Johnson Staples--2

Absent with leave--Senators

Howard McKenna--2

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 15**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 1997, and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 16**, entitled:

An Act to appropriate money for capital improvement and economic development projects for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 655**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon, and the conferees be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 190**, entitled:

An Act relating to the licensing of certain health care professionals, with penalty provisions and with an effective date for certain provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 336**, entitled:

An Act to amend chapter 431, RSMo, relating to construction indemnification agreements by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 635**, entitled:

An Act relating to hepatitis B vaccinations for at-risk state employees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 509**, entitled:

An Act to amend chapter 208, RSMo, relating to public assistance by adding thereto two new sections relating to temporary assistance for needy families.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 316** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 387** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 218**, entitled:

An Act to repeal sections 49.310, 67.582, 221.010, 221.111, 221.400, 221.405 and 221.410, RSMo 1994, and section 56.265, RSMo Supp. 1996, relating to jails, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 16**, entitled:

An Act to repeal sections 105.450, 105.461, 105.464, 105.470, 105.472, 105.491, 105.492, 105.498, 105.957, 105.959, 105.961, 105.963, 105.969, 115.646, 130.016, 130.021, 130.031, 130.032, 130.036, 130.038, 130.051, 130.053, 130.054 and 130.056, RSMo 1994, and sections 105.483, 105.487, 105.955, 130.011, 130.034, 130.037, 130.041, 130.046, 130.052, 130.057, 130.100, 130.130 and 130.140, RSMo Supp. 1996, relating to public officers, and to enact in lieu thereof forty-three new sections relating to campaign, ethics and lobbying reform.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 28, Section 105.473, Line 9, by inserting immediately after the word "**entertainment**;" the word "**honoraria**;"

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16,

Page 81, Section 105.963, Line 17, by inserting after all of said line the following: "**7. If any candidate fails to file a campaign disclosure report in a timely manner and that candidate is assessed a late filing fee, the candidate, candidate committee treasurer or assistant treasurer may file an appeal of the assessment of the late filing fee with the commission. The commission may forgive the assessment of the late filing fee upon a showing of good cause. Such appeal shall be filed within ten days of the receipt of notice of the assessment of the late filing fee.**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 387**: Representatives: Smith, Hosmer, Parker, Gibbons, Akin.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 316**: Representatives: Hoppe, Luetkenhaus, Reynolds, Ross, Lograsso.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 19**, entitled:

An Act to repeal section 32.055, RSMo 1994, relating to motor vehicle records, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 24**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 142**, entitled:

An Act to repeal sections 115.575, 367.044, 367.045, 367.047, 367.048, 367.050, 477.087, 494.425, 528.010, 540.105 and 542.276, RSMo 1994, and sections 478.268 and 512.050, RSMo Supp. 1996, relating to court proceedings, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 142, Page 19, Section 478.268, Lines 9 through 12 on said page, by deleting said lines.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 142, Page 38, Section 1, Line 17 of

said page, by striking the words "as costs" from said line and inserting in lieu thereof the words "**and collected in the manner provided by sections 488.010 to 488.020, RSMo, a surcharge in**"; and

Further amend said bill, section and page, line 20 of said page, by inserting immediately after the word "cost." on said line the words: "**No such surcharge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality.**".

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 142, Page 1, In the Title, Line 5, by inserting immediately after the word "sections" the number "211.181,"; and

Further amend said bill, Page 1, In the Title, Line 7, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 1, Section A, Line 14, by inserting immediately after the word "sections" the number "211.181,"; and

Further amend said bill, Page 1, Section A, Line 15, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 1, Section A, Line 16, by inserting immediately after the number "115.575," the number "211.181,"; and

Further amend said bill, Page 2, Section 115.575, Line 9, by inserting after all of said line the following:

"211.181. 1. When a child or person seventeen years of age is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child or person seventeen years of age, and the court may, by order duly entered, proceed as follows:

(1) Place the child or person seventeen years of age under supervision in [his] **the child's** own home or in the custody of a relative or other suitable person own after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child or person seventeen years of age to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child or person seventeen years of age may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child or person seventeen years of age in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child or person seventeen years of age in a family home;

(4) Cause the child or person seventeen years of age to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child or person seventeen years of age requires it, cause the child or person seventeen years of age to be placed in a public or private hospital, clinic or institution for treatment and care;

except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child or person seventeen years of age whose parents or guardian in good faith are providing other remedial treatment recognized or permitted [under] **pursuant to** the laws of this state.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in [his] **the child's** own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if [he] **the child** is presently under the court's supervision after an adjudication [under] **pursuant to** the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive [it] **the child** in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted [under] **pursuant to** the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court. Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which [it] **the court** exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in [his] **the child's** own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive [it] **the child** in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted [under] **pursuant to** the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by [his] **such child's** offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and [his] **the child's** attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child [under] **pursuant to** this subdivision, or who benefits from any services performed as a result of an order issued [under] **pursuant to** this subdivision, shall be immune from any suit by the child ordered to perform services [under] **pursuant to** this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services [under] **pursuant to** this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services [under] **pursuant to** this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court[.];

(10) The imposition of any disposition pursuant to subdivision (3) of subsection 3 of this section may, in the court's discretion, be suspended upon such terms and conditions as the court deems just and proper. The records of any disposition, the imposition of which has been suspended, shall be closed records to the same extent as provided pursuant to section 610.105, RSMo, for a suspended imposition of sentence in a court of general jurisdiction.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the department of social services or any of its divisions. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's

length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The department may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When custody of a child or person seventeen years of age is legally placed in the department of social services or any of its divisions, the department shall immediately submit its proposed treatment plan for such child or person seventeen years of age, as developed pursuant to subdivision (17) of subsection 1 of section 207.020, RSMo, to a professional evaluation team. Such a team shall be composed of a local juvenile officer, a representative of the department, a guardian ad litem, or court appointed special advocate, and where applicable, a school employee. The evaluation team shall develop a long-range permanency treatment plan for each child or person seventeen years of age within thirty days of the date upon which the department was awarded custody. The long-range treatment plan [will] **shall** include the following components:

(1) Type of placement which will serve the best interest and special needs of a child or person seventeen years of age and provide the least restrictive setting;

(2) Projected length of care needed by the child or person seventeen years of age and the projected cost for providing such care;

(3) Services needed by the child or person seventeen years of age and [his] **the child's or person's** family to facilitate reunification and the projected cost of such services;

(4) Certification from the division director or designee whether the placement and/or services recommended by the evaluation team are available.

The long-range permanency treatment plan shall be submitted to the court for consideration and approval prior to the court's final entry of a treatment order. In addition, a psychiatric or psychological evaluation shall be considered by the professional evaluation team and shall be submitted to the court for consideration for any child or person seventeen years of age who, in the discretion of the professional evaluation team, [could] **may** benefit from such an examination. The juvenile court judge may assess the cost of the examination to the family based on [their] **the family's** ability to pay.

6. In ordering implementation of a permanency treatment plan, the judge shall not order treatment with a specific provider but may reasonably designate the scope and extent of the services to be provided by the department to the child or person seventeen years of age subject to certification by the director of the division or designee that a provider and/or funds are available.

7. The department shall proceed to implement any long-range permanency plan within thirty days of its approval by the court. If the court fails to act upon a long-range permanency treatment plan within fifteen days of its submission by the professional evaluation team, then such plan shall be implemented by the department as if approved by the court and shall remain in effect until otherwise ordered by the court.

8. The department may seek appellate review of any long-range permanency treatment plan [it] **the department** is required by court order or operation of law to implement.

9. When an assessment has been imposed [under] **pursuant to** the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185."

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 142, Page 18, Section 478.268, Line 18, by inserting after the word "court" the following **"and who may also serve in the family court"**;

And further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 142, Page 34, Section 542.276, Lines 10-11 of said page, by striking said lines and inserting in lieu thereof the following:

"duplicate search warrant. May I sign my name attesting that you have given your permission to issue this warrant?"; and

Further amend said bill, page and section, line 14 of said page, by striking the words "beneath yours,"; and

Further amend said bill and section, page 35, lines 2-3 of said page, by striking the words "to affix the judge's signature"; and

Further amend said bill, page and section, lines 6-7 of said page, by striking the words "or the judge's signature authorizing a warrant"; and

Further amend said bill and section, page 36, lines 9-10 of said page, by striking the words "authorize a peace officer to sign the judge's name on" and inserting in lieu thereof the word **"issue"**.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS** for **SB 367**, entitled:

An Act to repeal section 217.705, RSMo 1994, and sections 565.084 and 571.030, RSMo Supp. 1996, relating to probation and parole officers, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute for Senate Bill No. 367, Page 3, Section 217.710, Line 11, by inserting after the word **"217.810."** the following: **"as authorized by policies and operating regulations of the department"**.

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute for Senate Bill No. 367, Page 10, Section 571.030, Line 4, by adding immediately after said line, the following:

"Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that

date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act."

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 16**, as amended, and requests the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that the Senate refuse to recede from its position on **SCS** for **HB 655** and grant the House a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 29**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 28**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Concurrent Resolution No. 28, Page 825 of the Senate Journal for Wednesday, April 23, 1997, Section Column 2, Lines 16, 18, 23, 29, 32 and 38 of said column, by striking the word "Amtrack" from said lines and inserting in lieu thereof the following: "Amtrak".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 27**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 24**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 21**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Concurrent Resolution No. 21, Page 811 of the Senate Journal for Tuesday, April 22, 1997, Column 1, Line 44 of said column, by inserting immediately after the word "Administration" the word "Committee"; and

Further amend said Resolution, Page 811, Column 2, Line 17 of said column, by inserting immediately after the word "Administration" the word "Committee"; and

Further amend said Resolution, Page 811, Column 2, Line 26 of said column, by inserting immediately after the word "Administration" the word "Committee".

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Concurrent Resolution No. 21, Page 811 of the Senate Journal for Thursday, April 22, 1997, Column 2, Line 19 of said column, by inserting immediately after all of said line the following:

"BE IT FURTHER RESOLVED that an examination of space available within the Capitol be given first priority by the House Accounts, Operations and Finance Committee, the Senate Administration Committee and the Office of Administration; and".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 25, Page 875 of the Senate Journal for Monday, April 28, 1997, Column 1, Line 18 of said column, by striking the word "seventeen" and inserting in lieu thereof the following: "thirteen"; and further amend line 28 of said column, by striking the word "five" and inserting in lieu thereof the following: "three".

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 767, regarding Christopher James Dick, St. Louis, which was adopted.

Senator Mathewson offered Senate Resolution No. 768, regarding Dr. Thomas Russell Trail, Hamilton, which was adopted.

Senator Rohrbach offered Senate Resolution No. 769, regarding Pearl Elizabeth Gentili, which was adopted.

Senator DePasco offered Senate Resolution No. 770, regarding Kelly's Westport Inn, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 771, regarding Brad Haines, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 772, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vernon Eastwood, Independence, which was adopted.

Senator Childers offered Senate Resolution No. 773, regarding Doris Meyer, which was adopted.

Senator Curls offered Senate Resolution No. 774, regarding the Mt. Pleasant Missionary Baptist Church, which was adopted.

Senator Singleton offered Senate Resolution No. 775, regarding Stephanie Gockley, which was adopted.

Senator Singleton offered Senate Resolution No. 776, regarding Bill and Fran Grigsby, Kansas City, which was

adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Carolyn Kelsay, and her son, Michael, Urich; and Michael was made an honorary page.

Senator Maxwell introduced to the Senate, the Physician of the Day, Dr. Stephen Halpin, Hannibal.

Senator House introduced to the Senate, Mrs. Barb Brennecke, and nineteen fourth grade students from Augusta Elementary School, Augusta.

Senator Banks introduced to the Senate, Ms. Wanda Metcalf, Mrs. Annie Green-Yaap, Ms. Angela Green, Ms. Mia Love, Ms. Darlene Murphy, and forty-one fifth grade students from Lowell School, St. Louis; and Shemika McClendon, Eric Walls, Dominic Robinson, Kiersten Burns and Shapree Shepard were made honorary pages.

Senator Howard introduced to the Senate, Veera Salo, Vantaa, Finland; Csilla Szabo, Nagukanizsa, Hungary; and Carolyn Wood, Poplar Bluff; and Veera and Csilla were made honorary pages.

Senator Graves introduced to the Senate, Dave and Darla McCoubrie, Jenny Buttman, and twenty-four sixth grade students from Chillicothe.

Senator Bentley introduced to the Senate, Sarah Harkins, Sarah Watt, Kyle Stewart and Chris Marino, St. Agnes School, Springfield.

Senator Kinder introduced to the Senate, ninety fourth grade students from Clippard Elementary School, Cape Girardeau.

Senator Klarich introduced to the Senate, Claire Maguire, and students from Pond Elementary School, St. Louis.

Senator Russell introduced to the Senate, Sherry Huffman, Lita Richardson, Joan Roberts, Rhonda Taylor, and seventy-two seventh grade students from Hartville.

Senator Westfall introduced to the Senate, Cindy Stein, Springfield.

Senator Westfall introduced to the Senate, Debbie Rice, and fourth grade students from Truman Elementary School, Nevada.

Senator Mueller introduced to the Senate, twenty eighth grade students from St. Genevieve Dubois School, St. Louis; and Pat Knudsen, Scarlett Busch, Brendan Keaney and Jeff Anglim were made honorary pages.

On motion of Senator Quick, the Senate adjourned until 2:00 p.m., Monday, May 5, 1997.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-THIRD DAY--MONDAY, MAY 5, 1997

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, Isaiah proclaimed, "Woe unto them that call evil good and good evil." Lord, knowing good from evil is not our problem; but having enough conviction to do what is right at difficult times can be a problem. Give us the strength of character to do what is right even when it isn't easy. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Pro Tem McKenna assumed the Chair.

Senator Quick moved that the Senate Journal for Thursday, May 1, 1997, be corrected on page 962, column 1, line 2, by deleting "**SB**" and inserting in lieu thereof "**HB**", which motion prevailed.

The Journal for Thursday, May 1, 1997, was read and approved, as corrected.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Curls offered Senate Resolution No. 777, regarding Father Norman Francis Rotert, Kansas City, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 778, regarding Dale L. Houdeshell, St. Peters, which was adopted.

Senator Kenney offered Senate Resolution No. 779, regarding Amy Wiseman, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 780, regarding Susan Landers, which was adopted.

Senator Kenney offered Senate Resolution No. 781, regarding Sergeant Chris Reagan, Lee's Summit, which was adopted.

Senator Howard offered Senate Resolution No. 782, regarding Shirley Burton, Bloomfield, which was adopted.

Senator Howard offered Senate Resolution No. 783, regarding Jason R. Ramsey, Hayti, which was adopted.

Senator Howard offered Senate Resolution No. 784, regarding Patti S. Melson, Bloomfield, which was adopted.

Senator Howard offered Senate Resolution No. 785, regarding Ronald Neeley, Piggott, Arkansas, which was adopted.

Senator Howard offered Senate Resolution No. 786, regarding Stacey Lynn Greer, Bragg City, which was adopted.

Senator Howard offered Senate Resolution No. 787, regarding Jaime Davis, New Madrid, which was adopted.

Senator Wiggins offered Senate Resolution No. 788, regarding the death of Mrs. Wilma M. Fisher, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 789, regarding Joseph F. Waeckerle, M.D., FACEP, which was adopted.

Senator Scott offered Senate Resolution No. 790, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Dinty Moore, which was adopted.

Senator Scott offered Senate Resolution No. 791, regarding Sergeant Stanley T. (Tim) Cunningham, St. Louis, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for HBs 600 and 388, with SCAs 1 and 2, entitled:

An Act to repeal sections 191.331 and 376.995, RSMo Supp. 1996, relating to limited mandate health insurance act, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Was taken up by Senator Howard.

SCA 1 was taken up.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bills Nos. 600 and 388, Page 5, Section 376.1219.1, Line 9, by deleting from said line the words "or any inherited disease of amino and organic acids".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Howard, **HCS** for **HBs 600** and **388**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls Scott--2

Absent with leave--Senators--None

President Pro Tem McKenna assumed the Chair.

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder

Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senator Curls--1

Absent with leave--Senators--None

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Howard moved that the Senate refuse to concur in **HS** for **HCS** for **SB 218**, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 51 was placed on the Informal Calendar.

HB 343, with **SCS**, introduced by Representative Kelly (27), et al, entitled:

An Act to repeal section 453.080, RSMo 1994, relating to adoption, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Sims.

SCS for **HB 343**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 343

An Act to repeal sections 192.016, 193.125, 210.491, 211.444, 211.447, 453.005, 453.010, 453.014, 453.015, 453.025, 453.030, 453.040, 453.065, 453.070, 453.073, 453.075, 453.080, 453.110, 453.170 and 568.175, RSMo 1994, and sections 210.109 and 453.060, RSMo Supp. 1996, relating to adoption, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Sims moved that **SCS** for **HB 343** be adopted.

Senator Sims offered **SS** for **SCS** for **HB 343**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 343

An Act to repeal sections 192.016, 193.125, 210.491, 211.444, 211.447, 453.005, 453.010, 453.014, 453.015, 453.025, 453.030, 453.040, 453.065, 453.070, 453.073, 453.075, 453.080, 453.110, 453.170 and 568.175, RSMo 1994, and sections 210.109 and 453.060, RSMo Supp. 1996, relating to adoption, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions.

Senator Sims moved that **SS** for **SCS** for **HB 343** be adopted, which motion prevailed.

Senator Johnson resumed the Chair.

On motion of Senator Sims, **SS** for **SCS** for **HB 343** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senator Curls--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

At the request of Senator Mathewson, **HCS** for **HB 589**, with **SCS**, was placed on the Informal Calendar.

HB 207, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Lybyer, **HB 342** was placed on the Informal Calendar.

HB 259, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HB 335**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 424** and **534**, with **SCAs 1** and **2**, entitled:

An Act to repeal sections 252.085 and 252.230, RSMo 1994, relating to the department of conservation, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions, and an emergency clause for a certain section.

Was taken up by Senator Caskey.

SCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

President Pro Tem McKenna resumed the Chair.

Senator Ehlmann offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bills Nos. 424 and 534, Page 3, Section 252.085, Line 34, by inserting immediately after all of said line the following:

"Section 1. Notwithstanding any other provision of the law to the contrary, the commission shall not sell, lease or otherwise convey any property owned, operated, managed or leased by the commission to any gaming facility as defined in chapter 313 RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **HCS** for **HBs 424** and **534**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Wiggins

Yeckel--29

Nays--Senators

Bentley Staples Westfall--3

Absent--Senators

Curls Mathewson--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Wiggins	Yeckel--30		

Nays--Senators

Singleton Westfall--2

Absent--Senators

Banks Curls--2

Absent with leave--Senators--None

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HJR 16, with **SCS**, introduced by Represen-tative Farnen, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri, relating to initiative petitions and adopting one new section in lieu thereof relating to the same subject.

Was taken up by Senator DePasco.

SCS for **HJR 16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 16

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri relating to initiative petitions, and adopting one new section in lieu thereof relating to the same subject.

Was taken up.

Senator DePasco moved that **SCS** for **HJR 16** be adopted, which motion prevailed.

On motion of Senator DePasco, **SCS** for **HJR 16** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Childers	Clay
DePasco	Goode	Graves	House
Howard	Jacob	Johnson	Lybyer
Mathewson	McKenna	Mueller	Quick
Rohrbach	Scott	Sims	Staples
Wiggins--21			

Nays--Senators

Caskey	Ehlmann	Kenney	Kinder
Klarich	Maxwell	Russell	Singleton
Westfall	Yeckel--10		

Absent--Senators

Curls	Flotron	Schneider--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 257, with **SCS**, introduced by Representatives Copeland and Leake, entitled:

An Act to repeal sections 361.170 and 362.610, RSMo 1994, relating to financial institutions, and to enact in lieu thereof twelve new sections relating to the same subject, with an emergency clause.

Was taken up by Senator Quick.

SCS for **HB 257**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 257

An Act to repeal sections 361.170, 362.471, 362.610, 362.915, 400.3-118, 400.4-111 and 427.041, RSMo 1994, and sections 304.155 and 362.077, RSMo Supp. 1996, relating to financial institutions, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

Senator Quick moved that **SCS for HB 257** be adopted.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 257, Page 26, Section 427.190, Line 4, by inserting immediately after all of said line the following:

"Section 1. 1. Notwithstanding the pro-visions of sections 443.827 and 443.857, RSMo, any applicant for or holder of a residential mortgage license issued under sections 443.800 to 443.893, RSMo, need not maintain a full-service office within the state of Missouri if the following requirements are met:

(1) The applicant or licensee is licensed or registered to broker, fund, originate, service and purchase residential mortgage loans in an adjoining state;

(2) The applicant or licensee has a full-service office meeting the requirements of section 443.857, RSMo, which is located within fifty miles of all residences in Missouri for which the applicant or licensee provides or will provide residential mortgage services; and

(3) The applicant or licensee has a dedicated toll-free telephone number for the exclusive use of its Missouri customers and provides written notice, at lease annually, to the licensee's Missouri customers advising them of such telephone number.

2. The applicant or licensee shall comply with all other requirements of sections 443.800 to 443.893, RSMo, and shall provide any documents or records, including the notice as to the toll-free telephone number, to the director of the Missouri division of finance to allow the director to determine compliance with all licensing requirements."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion failed.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 257, Page 6, Section 304.155, Lines 152-157, by striking said lines and inserting in lieu thereof the following:

"12. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel [by having

such property towed] **without the knowledge or cooperation of the owner**, then the [towing company and the lienholder] **repossessioner** shall notify the [Missouri state highway patrol of such tow within one hour] **local law enforcement agency where the repossession occurred within two hours** of the [tow being made] **repossession** and shall further provide the [patrol] **local law enforcement agency** with any additional information the [patrol] **agency** deems appropriate. **The local law enforcement agency shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system."**

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 257, Page 8, Section 362.077, Line 14, by striking "Nor shall such" and inserting in lieu thereof "**Such**"; further amend page 8, line 14, by inserting immediately after the word "limitation", the words "shall also not".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Quick moved that **SCS** for **HB 257**, as amended, be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **HB 257**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Howard Schneider--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Flotron Schneider--2

Absent with leave--Senators--None

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

HB 628, with **SCAs 1** and **2**, introduced by Representative Froelker, entitled:

An Act to repeal section 162.431, RSMo 1994, relating to changing boundaries of school districts, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Klarich.

SCA 1 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SS** for **HB 628**, entitled:

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 628

An Act to repeal sections 162.431, 163.036, 165.121 and 168.221, RSMo 1994, and sections 163.011, 163.031, 165.011 and 165.111, RSMo Supp. 1996, relating to school districts, and to enact in lieu thereof nine new sections relating to the same subject.

Senator Klarich moved that **SS** for **HB 628** be adopted.

Senator Wiggins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 628, Page 39, Section 1, Line 25 of said page, by inserting after all of said line the following:

"Section 2. Notwithstanding any other provision of law to the contrary, no school district or school in Missouri that receives state aid pursuant to chapter 163, RSMo, shall belong to or participate in any athletic activities or events sponsored by an athletic association or group that provides separate classifications or competitions for state championships for any athletic activities or events for public schools and other classifications or competitions for state championships for private or parochial schools. Such classifications and competitions shall include athletic activities and events scheduled during the school year or any post-season or playoff athletic activities or event."

Senator Wiggins moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 1** is out of order in that it goes beyond the scope and purpose of the original bill.

Senator Johnson resumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

President Pro Tem McKenna resumed the Chair.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 628, Page 33, Section 165.121, Line 3 of said page, by inserting immediately after all of said line the following:

"167.161. 1. The school board of any district, after notice to parents or others having custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the pupils. In addition to the authority granted in section 167.171, a school board may authorize, by general rule, the immediate removal of a pupil upon a finding by the principal, superintendent, or school board that the pupil poses a threat of harm to such pupil or others, as evidenced by the prior conduct of such pupil. Prior disciplinary actions shall not be used as the sole basis for removal, suspension or expulsion of a pupil. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. At the hearing upon any such removal, suspension or expulsion, the board shall consider the evidence and statements that the parties present and may consider records of past disciplinary actions, criminal court records or juvenile court records consistent with other provisions of the law, or the actions of the pupil which would constitute a criminal offense. The board may provide by general rule not inconsistent with this section for the procedure and conduct of such hearings. After meeting with the superintendent or his designee to discuss the expulsion, the parent, custodian or the student, if at least eighteen years of age, may, in writing, waive any right to a hearing before the board of education.

2. The school board of any district, after notice to parents or others having custodial care and a hearing upon the matter, may suspend a pupil upon a finding that the pupil has been charged, convicted or pled guilty in a court of general jurisdiction for the commission of a felony criminal violation of state or federal law. At a hearing required by this subsection, the board shall consider statements that the parties present. The board may provide for the procedure and conduct of such hearings.

3. The school board shall make a good-faith effort to have the parents or others having custodial care present at any

such hearing. **Notwithstanding any other provision of law to the contrary, student discipline hearings or proceedings related to the rights of students to attend school or to receive academic credit shall not be required to comply with the requirements applicable to contested case hearings as provided in chapter 536, RSMo, provided that appropriate due process procedures shall be observed.**"; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Russell raised the point of order that **SS** for **HB 628** is out of order in that it goes beyond the scope of the original bill.

President Pro Tem McKenna ruled the point of order well taken.

HB 628, as amended, was again taken up.

Senator Johnson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 628, Page 2, Section 162.431, Line 32, by inserting immediately after said line the following:

"163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the district's equalized operating levy for school purposes as defined in section 163.011 multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor **plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year**; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087, of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs pursuant to

section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent times the guaranteed tax base per eligible pupil times the minimum value for an operating levy for school purposes as provided in section 163.011 times the proration factor; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) Beginning with the 1993-94 school year, the revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section; plus the product of the current assessed valuation of the district multiplied by the following tax rate - the greater of zero or the minimum rate required by subsection 2 of section 163.021 minus the district's equalized operating levy for school purposes for 1993, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section.

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year

pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

1. Number of eligible pupils x (district's equalized

operating levy for school purposes) x (proration x GTB per EP)..... \$.....

Deductions

2. District equalized assessed valuation

x district income factor x district's

equalized operating levy for school purposes

plus ninety percent of any payment

received the current year of protested

taxes due in prior years no earlier

than the 1997 tax year minus the

amount of any protested taxes due

in the current year and for which

notice of protest was received

during the current year \$.....

3. Intangible taxes, fines, forfeitures, escheats,

payments in lieu of taxes, etc. (100% of the

amount received the previous year for

school purposes) \$.....

4. Receipts from state assessed

railroad and utility tax (100% of
the amount received the previous
year for school purposes) \$.....

5. Receipts from federal properties

pursuant to sections 12.070 and
12.080, RSMo (100% of the amount
received the previous year for
school purposes) \$.....

6. (Federal impact aid received the previous

year for school purposes pursuant to
P.L. 81-874 less \$50,000) x 90% or the
maximum percentage allowed by federal
regulations if less than 90% \$.....

7. Fifty percent or the percentage otherwise

provided in section 163.087 of Proposition C
receipts from the school district trust fund
received the previous year for school purposes
pursuant to section 163.087, RSMo \$.....

8. One hundred percent of the amount received

the previous year for school purposes from
the fair share fund pursuant to section
149.015, RSMo \$.....

9. One hundred percent of the amount received

the previous year for school purposes from the
free textbook fund pursuant to section 148.360,
RSMo \$.....

10. Total deductions (sum of lines 2-9) \$.....

Categorical Add-ons

11. The amount distributed pursuant to section

- 163.161 x proration \$.....
12. Special education approved or allowed cost
entitlement for the district pursuant to section
162.975, RSMo, x proration \$.....
13. Seventy-five percent of the gifted education
approved or allowable cost entitlement as
determined pursuant to section 162.975,
RSMo, x proration \$.....
14. Free and reduced lunch eligible pupil count for
the district, as defined in section 163.011,
RSMo, x .20 x GTB per EP x the minimum
value for an operating levy for school purposes
as provided in section 163.011
x proration \$.....
15. Career ladder entitlement for the district
as provided for in sections 168.500 to
168.515, RSMo, x proration \$.....
16. Vocational education entitlements for
the district as provided in section 167.332,
RSMo, x proration \$.....
17. Educational and screening program
entitlements for the district as provided in
sections 178.691 to 178.699, RSMo,
x proration \$.....
18. Sum of categorical add-ons for the district
(sum of lines 11-17)..... \$.....
19. District apportionment (line 18 plus the
greater of line 1 minus line 10 or

zero) \$.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.

163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year or the number of eligible pupils for the immediately preceding year whichever is greater. Any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

3. For the purposes of distribution of state school aid pursuant to section 163.031, RSMo, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, RSMo, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted.

Senator Klarich raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope and intent of the original bill.

Senator Clay assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

President Pro Tem McKenna resumed the Chair.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 628, Page 2, Section 162.431, Line 32 of said page, by inserting immediately after all of said line the following:

"6. Other provisions of this chapter to the contrary notwithstanding, the state board of education may not attach a lapsed school district to any school district if the school district being considered to receive territory of a lapsed district opposes the attachment. The board of directors or school board in any school district being considered to receive a lapsed district may, by majority vote, oppose any attachment by the state board of

education."

Senator Kenney moved that the above amendment be adopted, which motion failed on a standing division vote.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

Senator Wiggins offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Bill No. 628, Page 2, Section 162.431, Line 32, by inserting immediately after all of said line the following:

"Section 1. Any school district which chooses to participate in cross-boundary school athletic competition shall participate in conjunction with an association which allows full competition between students from public and private or parochial schools."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 3** is out of order in that it goes beyond the scope of the original bill.

Senator Scott assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

On motion of Senator Klarich, **HB 628**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senator Lybyer--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senator McKenna--1

Absent with leave--Senators--None

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

HB 700, with **SCS**, introduced by Represen-tative Legan, et al, entitled:

An Act to amend chapter 10, RSMo, relating to official state emblems by adding thereto two new sections relating to the same subject.

Was taken up by Senator Westfall.

SCS for **HB 700**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 700

An Act to amend chapter 10, RSMo, relating to official state emblems by adding thereto two new sections relating to the same subject.

Was taken up.

Senator Westfall moved that **SCS** for **HB 700** be adopted.

Senator Kenney offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 700, Page 1, Section 10.135, Line 2, by adding immediately after said line the following:

"Section 1. 1. The English language is the official language of the State of Missouri.

2. The English language is designated as the language of official public documents and records and official public meetings as defined in Chapter 610, RSMo. As funds are appropriated by the Missouri General Assembly, the Department of Elementary and Secondary Education shall implement classes to assist individuals who are not proficient in the English language."; and

Change the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Staples raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Westfall moved that **SCS** for **HB 700** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **HB 700** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Flotron	Graves
House	Howard	Jacob	Johnson
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Singleton	Staples	Westfall

Yeckel--25

Nays--Senators

Banks	Goode	Kenney	Kinder
Lybyer	Schneider	Sims	Wiggins--8

Absent--Senator Ehlmann--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Curls moved that motion lay on the table, which motion prevailed.

HCS for HJR 9, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 11(b) and 11(c) of article X of the Constitution of Missouri, relating to limitations on local tax rates and adopting three new sections in lieu thereof relating to the same subject.

Was taken up by Senator Curls.

Senator Flotron offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Joint Resolution No. 9, Page 1, Section 11(b), Lines 1-11 and Page 2, Section 11(c), by deleting said sections and amending the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

At the request of Senator Curls, **HCS for HJR 9**, with **SA 1** (pending), was placed on the Informal Calendar.

Senator Johnson resumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS No. 2** for **SCS** for **SB 284**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

Senator McKenna requested unanimous consent of the Senate to suspend the rules for the purpose of third reading of **SS No. 2** for **SCS** for **SB 284**, which request was granted.

SS No. 2 for **SCS** for **SB 284**, introduced by Senator McKenna, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 284

An Act to repeal sections 37.010 and 103.059, RSMo 1994, and sections 8.710, 29.100, 33.090, 34.050, 36.060, 36.070, 41.948, 43.509, 66.380, 160.272, 161.102, 173.081, 192.006, 207.021, 260.225, 262.470, 276.406, 287.650, 326.110, 333.111, 337.050, 361.105, 374.045, 454.400, 620.010, 620.125, 630.050, 633.190, 640.010, 640.755, 643.050, 644.026, 650.005 and 660.017, RSMo Supp. 1996, and section 32.125, as both versions of such section appear in RSMo Supp. 1996, relating to rulemaking, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator McKenna, **SS No. 2** for **SCS** for **SB 284** was read the 3rd time and passed by the following

vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay	Ehlmann--2
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay	Ehlmann--2
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Absent with leave--Senators--None

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 15--Appropriations.

HB 16--Appropriations.

HB 190--Public Health and Welfare.

HCS for **HB 336**--Labor and Industrial Relations.

HCS for **HB 509**--Aging, Families and Mental Health.

HCS for **HB 635**--Public Health and Welfare.

President Pro Tem McKenna resumed the Chair.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Bentley moved that the vote to lay on the table the motion to reconsider the vote by which **HCS** for **SB 241**, as amended, passed be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay	Ehlmann	Schneider--3
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Absent with leave--Senators--None

Having voted on the prevailing side, Senator Bentley moved that the vote by which the title to **HCS** for **SB 241**, as amended, was agreed to be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators--None

Having voted on the prevailing side, Senator Bentley moved that the vote by which **HCS** for **SB 241**, as amended, was read the third time and passed be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay	Scott--2
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Absent with leave--Senators--None

Having voted on the prevailing side, Senator Bentley moved that the vote by which **HCS** for **SB 241**, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators--None

Senator Bentley withdrew the motion to adopt **HCS** for **SB 241**, as amended.

Senator Bentley moved that the Senate refuse to concur in **HCS** for **SB 241**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Curls moved that **HCS** for **HJR 9**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Goode offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Joint Resolution No. 9, Page 1, In the Title, Line 4, by striking the word "three" and inserting in lieu thereof the word "four"; and

Further amend said resolution and page, in the preamble, line 4, by striking the word "amendment" and inserting in lieu thereof the following: "amendments, to be presented to the voters as separate questions"; and

Further amend Section A, line 2, by striking the word "three" and by inserting the word "two" and further amend said line by striking "11(b), 11(c) and 11(g)" and inserting in lieu thereof the following "11(b) and 11(c)" and further amend said resolution, page 2, section 11(c), line 25, by inserting after said line the following:

"Section B. Article X, Constitution of Missouri is amended by adopting one new section thereto, to be submitted to the voters as a separate question, and to be known as 11(g), to read as follows:".

Senator Goode moved that the above substitute amendment be adopted.

Senator Flotron raised the point of order that **SSA 1** for **SA 1** is out of order in that the substitute amendment goes beyond the scope and purpose of the bill.

Senator Johnson resumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SSA 1 for **SA 1** was again taken up.

Senator Goode moved that the above substitute amendment be adopted, which motion prevailed.

Senator Mueller offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Joint Resolution No. 9, Page 1, In the Title, Line 2, by inserting after the word "sections" the following: "4(b)"; and further amend line 4, by striking the word "three" and inserting in lieu thereof the word "four"; and further amend the preamble, line 4, by striking the word "amendment" and inserting in lieu thereof the following: "amendments, to be presented to the voters as separate questions,"; and further amend said resolution, by inserting after line 5 of the preamble by inserting the following:

"Section A. Section 4(b), article X, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be submitted to the voters as a separate question and to be known as section 4(b), to be read as follows:

Section 4(b). **1.** Property in classes 1 and 2 and subclasses of those classes, shall be assessed for tax purposes at its value or such percentage of its value as may be fixed by law for each class and for each subclass. Property in class 3 and its subclasses shall be taxed only to the extent authorized and at the rate fixed by law for each class and subclass, and the tax shall be based on the annual yield and shall not exceed eight percent thereof. Property in class 1 shall be subclassed in the following classifications:

(1) Residential property;

(2) Agricultural and horticultural property;

(3) Utility, industrial, commercial, railroad, and all other property not included in subclasses (1) and (2) of class 1.

Property in the subclasses of class 1 may be defined by law[, however subclasses (1), (2), and (3) shall not] **and may** be further divided [, provided] **by the general assembly by general law to provide for further classification based solely upon the land, exclusive of buildings and structures thereon, and buildings and structures upon land.** Land in subclass (2) may, by general law, be assessed for tax purposes on its productive capability. The same percentage of value shall be applied to all properties within any subclass. No classes or subclass shall have a percentage of its true value in money in excess of thirty-three and one-third percent.

2. Any general law enacted by the general assembly to provide for further classification of real property based solely upon the land, exclusive of buildings and structures thereon, and buildings and structures upon land, shall provide that it shall not become effective in any unincorporated area of a county or in any city, town, or village of this state until it has been adopted by a majority of the voters of such unincorporated area of a county or of such city, town, or village. In order to implement any general law enacted pursuant to this section to provide for further classification of real property based solely upon the land, exclusive of buildings and structures thereon, and buildings and structures upon land, the limits set in section 11(b) of this article and those set by any law of

this state for any tax which will generate less revenue as a result of such general law, may be exceeded by any county, city, town, or village whose voters have adopted such general law and by any other taxing authority located within any county, city, town, or village whose voters have adopted such general law, without any further voter approval, including that mandated by section 22 of this article; but, no tax rate set in excess of the limits in section 11(b) of this article or in any law of this state as allowed in this subsection shall be greater than the rate necessary to generate the same amount of revenue generated by the tax in the year immediately prior to the year in which such general law was adopted plus a percentage of such prior year's revenues which is equal to the final annual percentage rate of inflation, as established by the consumer price index, for such prior year."; and

Further amend said resolution, page 1, Section A, line 1, by striking "A" and inserting in lieu thereof the letter "B"; and further amend line 2, by inserting after the word "thereof" the following: "To be submitted to the voters as a separate question and".

Senator Mueller moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 2** is out of order in that the amendment goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who took it under advisement, placing the resolution on the Informal Calendar.

HB 722, introduced by Representative Johnson, entitled:

An Act to authorize the lease of certain property to a developer for the purpose of constructing a prison to be leased to the state.

Was called from the Consent Calendar and taken up by Senator Staples.

Senator Mathewson requested unanimous consent of the Senate to suspend the rules for the purpose of offering **SA 1**, which request was granted.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 722, Page 1, In the Title, Lines 2 and 3, by striking all of said lines and inserting in lieu thereof the following: "Relating to certain public property transactions."; and

Further amend said bill, page 2, section 1, line 28, of said page, by inserting immediately after all of said the following:

"Section 2. The director of the department of natural resources is authorized to transfer by quit claim deed, to the governor of the state of Missouri interest in property in Lafayette County more particularly described as follows:

"Tract No. 1

Part of the Southwest Quarter of the Southwest Quarter of Section 25, Township 50 North, Range 26 West, Lafayette County, Missouri, more particularly described as follows:

From the southwest corner of said Section 25; thence North 1 degree 20'24"E. along the Section Line, 41.79 feet to a point on the northerly line of Missouri State Route 13, and the POINT OF BEGINNING for this description; thence continuing North 1 degree 20'24"E. along the Section Line, 995.72 feet to the westerly line of County Road No. 163; thence Southerly, along the westerly line of said County Road, the following courses: S27 degrees 02'37"E. 461.01 feet, thence on a curve to the right, having a radius of 511.17 feet, an arc distance of 276.43 feet

(the chord of said curve being S11 degrees 33'06"E. 273.07 feet); thence S03 degrees 56'26"W. 334.28 feet to a point on the northerly line of Missouri State Road 13; thence leaving the westerly line of the County Road, along the northerly line of Missouri State Route 13, the following courses: N87 degrees 34'48"W. 166.43 feet; thence North 2 degrees 25'12"E 5.00 feet; thence N87 degrees 34'48"W. 98.62 feet to the POINT OF BEGINNING.

Containing 4.69 acres.

Subject to a 30 foot wide Sanitary Sewer Easement across the northern part of the above described tract, said 30 foot wide easement lies 10 feet left of, 20 feet right of, parallel to and adjacent to the following described line:

From the southwest corner of said Section 25; thence N01 degrees 20'24"E. along the Section Line, 1015.34 feet to POINT OF BEGINNING; thence N80 degrees 54'51"E. 11.08 feet to a point on the westerly line County Road No. 163 and the POINT OF TERMINATION.";

"Tract No. 2

Part of the Southwest Quarter of Section 25, Township 50 North, Range 26 West, Lafayette County, Missouri, more particularly described as follows:

From the southwest corner of said Section 25; thence N01 degree 20'24"E. along the Section Line, 41.79 feet to a point on the Northerly line of Missouri State Route 13; thence along the northerly line of Missouri State Route 13 the following courses: S87 degrees 34'48"E. 98.62 feet; thence S02 degrees 25'12"W. 5.00 feet; thence S87 degrees 34'48"E 226.43 feet to the easterly line of County Road No. 163, and the POINT OF BEGINNING for this description; thence leaving the northerly line of Missouri State Route 13, along the easterly and southerly line of said County Road, the following courses: N03 degrees 56'26"E. 332.68 feet; thence northerly, on a curve to the left, having a radius of 571.17 feet, an arc distance of 308.88 feet (the chord of said curve being N11 degrees 33'06"W. 305.13 feet); thence N27 degrees 02'37"W. 303.42 feet; thence northerly, on a curve to the right, having a radius of 563.15 feet, an arc distance of 278.98 feet (the chord of said curve being N12 degrees 51'07"W. 276.13 feet); thence N01 degree 20'24"E 1307.68 feet; thence northerly, on a curve to the right, having a radius of 98.62 feet, an arc distance of 155.96 feet (the chord of said curve being N46 degrees 38'47"E. 140.21 feet); thence S88 degrees 02'51"E. 815.84 feet; thence leaving the southerly line of said County Road, S12 degrees 15'33"E. 1323.35 feet to the most westerly corner of the second described tract in Book 642, Page 485, Lafayette County Recorder's Office; thence S36 degrees 45'52"E. along the westerly line of said tract, 519.22 feet to a point 100 feet northerly of and perpendicular to the northerly line of a tract described by deed of record in Book 513, Page 156, Lafayette County Recorder's Office; thence S29 degrees 50'08"W. parallel to the northerly line of said tract, 998.31 feet to a point on the northerly line of Missouri State Route 13; thence along the northerly line of Missouri State Route 13, the following courses: N87 degrees 34'48"W. 52.33 feet; thence S02 degrees 25'12"W. 5.00 feet; thence N87 degrees 34'48"W. 753.55 feet to the POINT OF BEGINNING.

Containing 66.09 acres.

SUBJECT to a 30 foot wide Sanitary Sewer Easement across the northern part of the above described tract, said 30 foot wide easement lies 10 feet left of, 20 feet right of, parallel to and adjacent to the following described line: From the southwest corner of said Section 25; thence N01 degree 20'24"E. along the Section Line, 1015.34 feet; thence N80 degrees 54'51"E. 85.89 feet to the easterly line of County Road No. 163 and the POINT OF BEGINNING, thence continuing N80 degrees 54'51"E. 45.97 feet; thence N46 degrees 54'17"E. 326.68 feet; thence S75 degrees 29'22"E. 363.48 feet; thence S47 degrees 15'39"E. 483.78 feet; thence N28 degrees 18'47"E. 404.80 feet; thence N50 degrees 02'50"E. 68.07 feet to a point on the westerly line of a tract described by deed of record in Book 642, Page 485, Lafayette County Recorder's Office and the POINT OF TERMINATION. Subject to easements recorded in Book 414 at Page 249 and Book 472 at page 278 of the Layette County Recorder's Office.

Grantors retain the right to a convenient, reasonable access across the above described land in order to maintain, operate, repair and service the above described sanitary sewer easement.";

excepting therefrom approximately 3 acres lying between the creek bed and the property of the Daughters of the Confederacy.

2. The final legal description for the conveyance shall be determined by survey and the total of acreage conveyed may be less than the acreage described herein, subject to agreement between the parties.

3. The property described in this section shall not be conveyed until there is a written agreement of conveyance which provides that the property shall revert to the department of natural resources if it is not used as a veterans cemetery within a reasonable time, as agreed to by the parties.

4. The Missouri veteran's commission shall assume responsibility to properly close and fill the lagoon existing on the property unless soil testing indicates the presence of contamination which would require special handling of the sludge material. If environmental laws or regulations require the special handling of sludge materials, the department of natural resources shall share the cost of the clean-up equally with the veteran's commission.

5. The attorney general shall approve as to the form of the instrument of conveyance.".

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **HB 722**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Clay	Curls	Graves	Sims--4
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 823, with **SCA 1**, introduced by Representative Lumpe, et al, entitled:

An Act to repeal sections 217.010 and 217.777, RSMo Supp. 1996, relating to community corrections, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Staples.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **HB 823**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Clay	Schneider	Sims	Singleton--4
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay Sims Singleton--3

Absent with leave--Senators--None

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

At the request of Senator Caskey, the point of order on **SA 2** to **HCS** for **HJR 9** was withdrawn.

SA 2 was again taken up.

At the request of Senator Mueller, the above amendment was withdrawn.

Senator Wiggins assumed the Chair.

Senator Yeckel offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Joint Resolution No. 9, Page 3, Section 11(g), Line 9 of said page, by inserting immediately after said line the following:

"Section 11(h). Except by a vote of the people, unless improvements have been made to the property, the assessed valuation of the property shall not increase by more than the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially reported by the United States Department of Labor, or its successor agency, for the period of assessment."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted.

Senator Yeckel offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Joint Resolution No. 9, Page 3, Section 11(g), Line 9 of said page, by inserting immediately after said line the following:

"Section 11(h). Except by a vote of the people, excluding improvements that have been made to property and reclassifications of property, the assessed valuation of real property shall not increase by more than ten percent more than the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially reported by the United States Department of Labor, or its successor agency, for the period of assessment."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above substitute amendment be adopted, which motion failed.

SA 3 was again taken up.

Senator Yeckel moved that the above amendment be adopted, which motion failed.

Senator House offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend House Committee Substitute for House Joint Resolution No. 9, Page 3, Section 11(g), Line 9, by inserting immediately after all of said line the following:

"Section B. Section 26(b), article VI, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 26(b), to read as follows:

Section 26(b). Any county, city, incorporated town or village or other political corporation or subdivision of the state, by vote of the qualified electors thereof voting thereon, may become indebted in an amount not to exceed five percent of the value of taxable tangible property therein as shown by the last completed assessment for state or county purposes, except that a school district by a vote of the qualified electors voting thereon may become indebted in an amount not to exceed [ten] **fifteen** percent of the value of such taxable tangible property. For elections referred to in this section the vote required shall be four-sevenths at the general municipal election day, primary or general elections and two-thirds at all other elections."; and

Further amend the title and preamble accordingly.

Senator House moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Westfall offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend House Committee Substitute for House Joint Resolution No. 9, Page 2, Section 11(c), Line 8 of said page, by striking "a majority" and inserting in lieu thereof the words: "**four-sevenths**"; and further amend said bill, page and section, line 9, by inserting after the word "therefor;" the following: "**Provided in school districts the rate of taxation as herein limited may be increased for school purposes so that the total levy shall not exceed three dollars and seventy-five cents on the one hundred dollars assessed valuation when the rate and the purpose of the increase are submitted to a vote and a majority of the qualified electors voting thereon shall vote therefor;**"; and

Further amend said bill, page 2, section 11(g), line 5 of said section by striking the following: "a majority" and inserting in lieu thereof the following: "**four-sevenths**".

Senator Westfall moved that the above amendment be adopted.

Senator Kenney offered **SSA 1** for **SA 5**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 5

Amend House Committee Substitute for House Joint Resolution No. 9, Page 2, Section 11(c), Line 8 of said page, by striking "a majority" and inserting in lieu thereof the words: "**four-sevenths**"; and further amend said bill, page and section, line 9, by inserting after the word "therefor;" the following: "**Provided in school districts the rate of taxation as herein limited may be increased for school purposes so that the total levy shall not exceed three dollars and seventy-five cents on the one hundred dollars assessed valuation when the rate and the purpose of the increase are submitted to a vote and a majority of the qualified electors voting thereon shall vote therefor;**".

Senator Kenney moved that the above substitute amendment be adopted, which motion failed.

SA 5 was again taken up.

Senator Westfall moved that the above amendment be adopted, which motion failed.

Senator House offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend House Committee Substitute for House Joint Resolution No. 9, Page 3, Section 11(g), Line 9, by inserting immediately after all of said line the following:

"Section B. Section 26(b), article VI, Constitution of Missouri, is repealed and one new section adopted in lieu thereof as a separate question, to be known as section 26(b), to read as follows:

Section 26(b). Any county, city, incorporated town or village or other political corporation or subdivision of the state, by vote of the qualified electors thereof voting thereon, may become indebted in an amount not to exceed five percent of the value of taxable tangible property therein as shown by the last completed assessment for state or county purposes, except that a school district by a vote of the qualified electors voting thereon may become indebted in an amount not to exceed [ten] **fifteen** percent of the value of such taxable tangible property. For elections referred to in this section the vote required shall be four-sevenths at the general municipal election day, primary or general elections and two-thirds at all other elections."; and

Further amend the title and preamble accordingly.

Senator House moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SA 6** is out of order as it goes beyond the scope of the original bill.

President Pro Tem McKenna took the point of order under advisement, placing the bill on the Informal Calendar.

President Pro Tem McKenna resumed the Chair.

HB 99, introduced by Representative Williams (121), entitled:

An Act to repeal section 64.725, RSMo Supp. 1996, relating to county planning, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 99** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Curls
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott

Singleton	Staples	Westfall	Wiggins
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Yeckel--29

Nays--Senator Graves--1

Absent--Senators

Bentley	Clay	DePasco	Sims--4
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Curls
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senator Graves--1

Absent--Senators

Bentley	Clay	DePasco	Sims--4
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Absent with leave--Senators--None

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

HB 340, with **SCA 1**, introduced by Representative Pouche, entitled:

An Act to repeal sections 204.257 and 204.300, RSMo 1994, relating to sewer districts, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

SCA 1 was taken up.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Johnson, **HB 340**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Clay	Sims--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 523, with **SCA 1**, introduced by Representative Skaggs, entitled:

An Act relating to certain road districts.

Was called from the Consent Calendar and taken up by Senator Quick.

SCA 1 was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Quick, **HB 523**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode

Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Clay	Sims--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

HB 487, introduced by Representative Parker, entitled:

An Act to repeal section 595.209, RSMo Supp. 1996, relating to victims of crime, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Lybyer.

Senator Scott resumed the Chair.

President Pro Tem McKenna resumed the Chair.

Senator Lybyer moved that **HB 487** be read the 3rd time and finally passed.

At the request of Senator Lybyer, the motion for 3rd reading and final passage was withdrawn.

Senator Banks requested leave of the Senate for the Committee on Public Health and Welfare to meet while the Senate is in session, which request was granted.

At the request of Senator House, **SA 6** to **HCS** for **HJR 9** was withdrawn, rendering the point of order moot.

Senator Flotron offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend House Committee Substitute for House Joint Resolution No. 9, Page 3, Section 11(g), Line 9, by inserting immediately after all of said line the following:

"Section D. Section 18, article X, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 18, to read as follows:

Section 18. (a) There is hereby established a limit on the total amount of taxes which may be imposed by the general assembly in any fiscal year on the taxpayers of this state. Effective with fiscal year 1981-1982, and for each fiscal year thereafter, the general assembly shall not impose taxes of any kind which, together with all other revenues of the state, federal funds excluded, exceed the revenue limit established in this section. The revenue limit shall be calculated for each fiscal year and shall be equal to the product of the ratio of total state revenues in fiscal year 1980-1981 divided by the personal income of Missouri in calendar year 1979 multiplied by the personal income of Missouri in either the calendar year prior to the calendar year in which appropriations for the fiscal year for which the calculation is being made, or the average of personal income of Missouri in the previous three calendar years, whichever is greater.

(b) For any fiscal year in the event that total state revenues exceed the revenue limit established in this section by one percent or more, the excess revenues shall be refunded pro rata based on the liability reported on the Missouri state income tax (or its successor tax or taxes) annual returns filed following the close of such fiscal year **or by an appropriation to the public school property tax reduction fund which shall be applied to reduce public school property taxes on a pro rata basis for the first two dollars and seventy-five cents per one hundred dollars assessed valuation per property tax payor as provided by law.** If the excess is less than one percent, this excess shall be transferred to the general revenue fund.

(c) The revenue limitation established in this section shall not apply to taxes imposed for the payment of principal and interest on bonds, approved by the voters and authorized under the provisions of this constitution.

(d) If responsibility for funding a program or programs is transferred from one level of government to another, as a consequence of constitutional amendment, the state revenue and spending limits may be adjusted to accommodate such change, provided that the total revenue authorized for collection by both state and local governments does not exceed that amount which would have been authorized without such change."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 7** is out of order in that the amendment goes beyond the intent and purpose of the original bill.

Senator Johnson resumed the Chair.

The point of order was referred to the President Pro Tem, who took it under advisement, placing the bill on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SS** for **SCS** for **HB 491**, as amended, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 16**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 16**, as amended: Representatives: Backer, Days, Fitzwater, Long and Bartlesmeyer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 56**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 56**, as amended: Representatives: May (108), Hosmer, Seigfreid, Wannemacher and Alter.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 263**, entitled:

An Act to repeal sections 660.100, 660.105, 660.110, 660.115, 660.120, 660.122, 660.125 and 660.135, RSMo 1994, and section 660.130, RSMo Supp. 1996, relating to the funding of the Missouri utilicare and related energy assistance programs, and to enact in lieu thereof ten new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 655**, as amended: Representatives: May (108), Lakin, O'Toole, Pryor and Wooten.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House recedes from its position on **HA 1** to **SB 298**, and has again taken up and passed **HCS** for **SB 298**, entitled:

An Act to repeal sections 86.260, 86.267, 86.387, 86.447, 86.450, 86.453, 86.457, 86.463, 86.467, 86.620, 86.650 and 86.670, RSMo 1994, and sections 86.256, 86.280, 86.283, 86.287, 86.370, 86.430, 86.600, 86.630 and 86.672, RSMo Supp. 1996, relating to certain police retirement systems, and to enact in lieu thereof twenty-two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 132**, entitled:

An Act to repeal sections 115.013, 115.019, 115.045, 115.085, 115.115, 115.117, 115.129, 115.132, 115.139, 115.151, 115.155, 115.159, 115.160, 115.163, 115.165, 115.193, 115.247, 115.275, 115.285, 115.317, 115.363, 115.379, 115.387, 115.389, 115.395, 115.453, 115.479, 115.495, 115.507, 115.511, 115.531, 115.575, 115.577, 115.600, 115.619, 115.621, 115.631, 115.635, 116.010, 116.030, 116.040, 116.050, 116.100, 116.130, 116.160, 116.170, 116.180, 116.190, 116.240, 116.260, 116.332 and 116.334, RSMo 1994, and sections 115.023, 115.123,

115.125, 115.127, 115.277, 115.279, 115.283, 115.284, 115.359, 115.361, 115.373, 115.601 and 247.180, RSMo Supp. 1996, relating to elections, and to enact in lieu thereof sixty-six new sections relating to the same subject, with an emergency clause for certain sections.

With House Amendments Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 132, Page 53, Section 116.160, Line 13, by deleting the words "one hundred" and inserting in lieu thereof the word "fifty".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 132, Page 1, In the Title, Line 4, by deleting the number "115.363,"; and

Further amend said bill, Page 1, In the Title, Line 9, by inserting after the number "115.361," the number "115.363,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the number "115.363,"; and

Further amend said bill, Page 1, Section A, Line 7, by inserting after the number "115.361," the number "115.363,"; and

Further amend said bill, Page 2, Section 115.013, Line 17, by deleting the word "**found**"; and

Further amend said bill, Page 2, Section 115.013, Lines 18 to 20, by deleting all of said lines and inserting in lieu thereof the following: "**a determination made by a court of competent jurisdiction, the Missouri ethics commission, an election authority or any other body authorized by law to make such a determination that a candidate is ineligible to hold office or not entitled to be voted on for office;**"; and

Further amend said bill, Page 35, Section 115.363, Line 40, by deleting the opening bracket "[" before the word "eleventh" and inserting an opening bracket "[" before the word "the".

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 132, Page 1, In the Title, Line 10, by deleting the word "sixty-six" and inserting in lieu thereof the word "sixty-seven"; and

Further amend said bill, Page 1, Section A, Line 8, by deleting the word "sixty-four" and inserting in lieu thereof the word "sixty-five"; and

Further amend said bill, Page 2, Section A, Line 10, by inserting after the number "115.247," the number "115.248,"; and

Further amend said bill, Page 21, Section 115.247, Line 21, by inserting after all of said line the following:

"115.248. Whenever the reprinting of a statewide election ballot is necessary as a result of circumstances beyond the control of a local election authority, the costs of such reprinting shall be paid by the state."

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 132, Page 58, Section C, Line 4, by inserting immediately after all of said line the following:

"81.070. 1. At the next municipal election in all cities and towns under special charters and having three thousand

inhabitants and not more than ten thousand inhabitants, **except as allowed in subsection 2 of this section**, and at each municipal election thereafter, there shall be elected a mayor, a councilman at large, one councilman from each ward, a constable, an attorney, a treasurer, who shall be, by virtue of [his] **the treasurer's** office, collector of the revenue of such city, an auditor, and a clerk, who shall hold their respective offices for two years, and until their successors are elected and qualified. And the city council shall provide by ordinance for the election or appointment of the following officer, to wit: An assessor; except that the governing bodies of cities in counties of the first class under a charter form of government which have attained a population of more than three thousand and less than ten thousand inhabitants subsequent to the granting of its special charter, may by ordinance provide that the terms of its original special charter relating to municipal officers, their election and terms shall continue in force notwithstanding the provisions of this section.

2. At the next municipal election in all cities and towns under special charters with at least three thousand inhabitants and not more than ten thousand inhabitants and located in a county of the first or second classification that adjoins a county of the first classification with a charter form of government, the city council may place the question of whether the city council shall be allowed to appoint municipal offices, other than a mayor, a councilman at large and one councilman from each ward. The city council shall provide by ordinance the ballot language to be submitted to the voters. Upon approval by a majority of the qualified voters in such city or town voting on the question, the city council shall be allowed to appoint the specified offices."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Banks moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 491**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Staples moved that the Senate refuse to concur in **HCS** for **SB 132**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 2, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sheila F. Lumpe, Democrat, 6908 Amherst, University City, St. Louis County, Missouri 63130, as a member of the Public Service Commission, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Kenneth McClure, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 2, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karla M. McLucas, 823 Southwest Boulevard, Apartment Q, Jefferson City, Cole County, Missouri 65109, as the Director of the Department of Labor and Industrial Relations, for a term ending at the pleasure of the Governor, vice, Sandra M. Moore.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 2, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Connie L. Murray, Republican, 2118 S. Catalina Avenue, Springfield, Greene County, Missouri 65804-2829, as a member of the Public Service Commission, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Duncan Kincheloe, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

The President Pro Tem referred the above appointments to the Committee on Gubernatorial Appointments.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 56**, as amended: Senators Schneider, Caskey, Howard, Klarich and Rohrbach.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 387**: Senators Schneider, Howard, Johnson, Kinder and Yeckel.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the

House on **SS** for **SCS** for **HB 491**, as amended: Senators Banks, Mathewson, Scott, Flotron and Klarich.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 655**, as amended: Senators Caskey, Scott, Mathewson, Klarich and Graves.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 316**: Senators Mathewson, DePasco, Wiggins, Kenney and Graves.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCS** for **SB 170**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SB 170**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 105**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HCS** for **HB 459**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 32**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 792, regarding the Florissant Optimist Club, which was adopted.

Senator Scott offered Senate Resolution No. 793, regarding the Hepatitis C Awareness Month, which was adopted.

Senator Yeckel offered Senate Resolution No. 794, regarding the Fiftieth Anniversary of Trinity Lutheran Church, Kirkwood, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Sarah Sudduth, Pleasant Hill.

Senator Bentley introduced to the Senate, Megan Nichols, Springfield.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Tuesday, May 6, 1997.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FOURTH DAY--TUESDAY, MAY 6, 1997

The Senate met pursuant to adjournment.

Senator Johnson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, You have told us in the Bible, "Be still and know that I am God." Lord, when we get busy it is hard to find a quiet time. But the busier we get, the more we need it. Help us in these busy times to know that You are God, to seek Your wisdom and to receive comfort from Your strength. We pray for Your guidance that our haste might not make waste. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

HOUSE BILLS ON THIRD READING

HB 159, introduced by Representative Champion, entitled:

An Act to repeal section 249.520, RSMo 1994, relating to sewer improvement assessments, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Bentley.

On motion of Senator Bentley, **HB 159** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators--None

Absent--Senators

Clay	Ehlmann	Jacob	Maxwell
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Scott--5

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

HB 470, introduced by Representative Smith, entitled:

An Act to repeal section 137.021, RSMo 1994, relating to real property, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **HB 470** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Childers	Curls
DePasco	Ehlmann	Flotron	Goode

Graves	House	Johnson	Kenney
Kinder	Klarich	Mathewson	McKenna
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Westfall
Wiggins	Yeckel--26		
	Nays--Senators		
Caskey	Howard	Lybyer	Quick--4
	Absent--Senators		
Clay	Jacob	Maxwell	Singleton--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

HB 820, with **SCS**, introduced by Representative Sheldon (104), et al, entitled:

An Act relating to crime of aggravated harassment of an employee by an inmate, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator McKenna.

SCS for **HB 820**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 820

An Act relating to crime of aggravated harassment of an employee, with penalty provisions.

Was taken up.

Senator McKenna moved that **SCS** for **HB 820** be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS** for **HB 820** was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder

Klarich	Lybyer	Mathewson	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Jacob	Maxwell	Singleton--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

HB 710, introduced by Representative Foley, entitled:

An Act to amend chapter 79, RSMo, relating to compensation of certain board members by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator DePasco.

On motion of Senator DePasco, **HB 710** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Jacob	Maxwell	Schneider--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 711, introduced by Representative Hartzler (124), entitled:

An Act to repeal section 81.070, RSMo 1994, relating to election and appointment of certain municipal officials, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

Senator Caskey requested unanimous consent of the Senate to suspend the rules for the purpose of offering a Senate Substitute, which request was granted.

Senator Caskey offered **SS** for **HB 711**, entitled:

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 711

An Act to repeal section 81.070, RSMo 1994, relating to election and appointment of certain municipal officials, and to enact in lieu thereof one new section relating to the same subject.

Senator Caskey moved that **SS** for **HB 711** be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **HB 711** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Curls DePasco Jacob Schneider--4

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 749, introduced by Representative Stroker, et al, entitled:

An Act relating to municipal ordinances.

Was called from the Consent Calendar and taken up by Senator Goode.

On motion of Senator Goode, **HB 749** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Curls Jacob Quick--3

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

HB 756, with **SCA 1**, introduced by Representative Luetkenhaus, entitled:

An Act relating to security guards.

Was called from the Consent Calendar and taken up by Senator House.

SCA 1 was taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

On motion of Senator House, **HB 756**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Jacob--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Graves moved that motion lay on the table, which motion prevailed.

HB 771, with **SCA 1**, introduced by Representative Barnett, entitled:

An Act to repeal sections 138.010 and 138.020, RSMo 1994, relating to board of equalization members, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Graves.

SCA 1 was taken up.

Senator Graves moved that the above amendment be adopted.

At the request of Senator Graves, the motion for adoption of **SCA 1** to **HB 771** was withdrawn.

At the request of Senator Graves, the motion for 3rd reading and final passage of **HB 771** was withdrawn.

HB 802, with **SCS**, introduced by Representatives Gratz and Vogel, entitled:

An Act to authorize the conveyance of certain real property in Jefferson City to the St. Louis Health Care Network.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

SCS for **HB 802**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 802

An Act to authorize the governor to convey certain real property, with an emergency clause.

Was taken up.

Senator Rohrbach moved that **SCS** for **HB 802** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **HB 802** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Singleton--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Flotron Russell--2

Absent with leave--Senators--None

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

HB 816, with **SCS**, introduced by Representative Williams (159), entitled:

An Act to repeal section 190.309, RSMo Supp. 1996, relating to certain emergency telephone boards, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

SCS for **HB 816**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 816

An Act to repeal section 190.309, RSMo Supp. 1996, relating to certain emergency telephone boards, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **HB 816** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **HB 816** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann

Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Flotron Sims--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Banks requested leave of the Senate for the Committee on Public Health and Welfare to meet while the Senate is in session, which request was denied.

HB 88, introduced by Representatives Smith and Relford, entitled:

An Act to repeal section 536.017, RSMo 1994, relating to administrative rules regarding takings, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **HB 88** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--Kinder--1

Absent--Senators

Curls Sims--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

HB 813, introduced by Representatives Bartelsmeyer and Miller, entitled:

An Act to repeal sections 233.135, 233.140, and 233.185, RSMo 1994, relating to certain special road districts, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Westfall.

On motion of Senator Westfall, **HB 813** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls Staples--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Senator Banks raised the point of order that the denial of the request for leave for the Committee on Public Health and Welfare to meet while the Senate is in Session is out of order in that the Rules of the Senate do not require unanimous consent be given; stating further, leave can be granted by a majority vote of the Senate.

The point of order was referred to the President Pro Tem, who ruled it well taken.

On motion of Senator Quick, the Senate recessed for 10 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Wilson.

HOUSE BILLS ON THIRD READING

HB 394, with **SCS**, introduced by Representative Loudon, entitled:

An Act to repeal section 301.131, RSMo Supp. 1996, relating to motor vehicle license plates, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Klarich.

SCS for **HB 394**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 394

An Act to repeal sections 144.025, 144.070 and 301.131, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Klarich moved that **SCS** for **HB 394** be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **HB 394** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell

Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--Howard--1

Absent--Senators--Ehlmann--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Quick announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

HB 817, introduced by Representative Hagan-Harrell, entitled:

An Act to repeal section 104.110, RSMo Supp. 1996, relating to the highways and transportation employees' and highway patrol retirement system, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

On motion of Senator Johnson, **HB 817** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Ehlmann	Flotron--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 335**, with **SCS**, entitled:

An Act to repeal sections 354.400, 354.405, 354.410, 354.430, 354.470, 354.490, 354.505, 354.515, 354.535, 374.500, 374.507, 374.510 and 538.205, RSMo 1994, and sections 376.381 and 376.811, RSMo Supp. 1996, relating to managed care organizations, and to enact in lieu thereof sixty-four new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Maxwell.

SCS for **HS** for **HCS** for **HB 335**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 335

An Act to repeal sections 354.400, 354.405, 354.410, 354.430, 354.470, 354.490, 354.505, 354.515, 354.535, 374.500, 374.507, 374.510, 376.382, 376.810 and 538.205, RSMo 1994, and sections 376.381 and 376.811, RSMo Supp. 1996, relating to managed care organizations, and to enact in lieu thereof fifty-two new sections relating to the same subject, with penalty provisions and an expiration date for a certain section.

Was taken up.

Senator Maxwell moved that **SCS** for **HS** for **HCS** for **HB 335** be adopted.

Senator Maxwell offered **SS** for **SCS** for **HS** for **HCS** for **HB 335**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 335

An Act to repeal sections 354.400, 354.405, 354.410, 354.430, 354.470, 354.490, 354.505, 354.515, 354.535, 374.500, 374.507, 374.510, 376.382, 376.423, 376.810 and 538.205, RSMo 1994, and sections 376.381 and 376.811, RSMo Supp. 1996, relating to managed care organizations, and to enact in lieu thereof sixty-three new sections relating to the same subject, with penalty provisions and an expiration date for a certain section.

Senator Maxwell moved that **SS** for **SCS** for **HS** for **HCS** for **HB 335** be adopted.

Senator Maxwell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 54, Section 354.618.1, Line 18, by adding the following:

"8. Nothing in this Act shall be construed to pre-empt the employer's right to select the health care provider pursuant to section 287.140 in a case where an employee incurs a work-related injury covered by the provisions of Chapter 287, RSMo."

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Johnson resumed the Chair.

Senator Clay offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 53, Section 354.618, Lines 7-9, by deleting said lines; and

Further renumber the remaining subsections accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 2** is out of order in that it is not germane to the subject matter of the bill and further that it exceeds the title.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 2 was again taken up.

At the request of Senator Clay, the above amendment was withdrawn.

At the request of Senator Maxwell, **HS** for **HCS** for **HB 335**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 491**, as amended: Representatives: Gaw, Farmer, Scheve, Cooper and Chrismer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 883**, entitled:

An Act to repeal sections 566.617 and 566.625, RSMo 1994, and sections 566.600, 566.603, 566.605, 566.607, 566.610, 566.614 and 566.620, RSMo Supp. 1996, relating to registration of certain offenders, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 850**, entitled:

An Act to repeal sections 3.040, 536.021, 536.022, 536.023 and 536.031, RSMo 1994, and sections 536.024, 536.025 and 536.050, RSMo Supp. 1996, relating to administrative rules, and to enact in lieu thereof twelve new sections relating to the same subject, with an emergency clause and a conditional effective date for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 18**, entitled:

An Act to appropriate money for planning, expenses, lease-purchases, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 132**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 218** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 132**, as amended: Representatives: Days, Scheve, Fitzwater, Long and Enz.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 218**: Representatives: Crump, Hosmer, Kissell, Richardson and Legan.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 132**, as amended: Senators Staples, McKenna, Lybyer, Graves and Westfall.

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 218**: Senators Howard, McKenna, Lybyer, Rohrbach and Flotron.

On motion of Senator Quick, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

RESOLUTIONS

Senator Staples offered Senate Resolution No. 795, regarding Phillip Gabriel, which was adopted.

Senator DePasco offered Senate Resolution No. 796, regarding Duren "Skip" Sleyster, Kansas City, which was adopted.

Senator Sims offered Senate Resolution No. 797, regarding Florence Terry Pullen, Creve Coeur, which was adopted.

Senator House offered Senate Resolution No. 798, regarding Jeffrey T. McGraw, St. Peters, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 347**, entitled:

An Act to repeal sections 191.677, 567.010 and 567.020, RSMo 1994, relating to sexual contact, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

With House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended and House Amendment No. 3.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 347, Page 3, Section 1, Line 13, by adding immediately after said line, the following:

"Section 2. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act."

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 347, Page 1, In the Title, Line 3, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting "567.110 and 567.120" and inserting in lieu thereof the following: "567.110, 567.120 and 1"; and

Further amend said bill, Page 3, Section 567.120, Line 3, by inserting after all of said line the following:

"Section 1. 1. On a first offense, any sexual offender or any predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo, may be required as a condition of parole, to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling, at the discretion of the board of probation and parole.

2. On a second offense, any sexual offender or any predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo, when the victim of the second offense was thirteen years of age or less, shall be required as a condition of parole, to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling.

3. On a third offense, any sexual offender or any predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo, shall be required as a condition of parole, to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling.

4. Pursuant to this section, the offender shall begin medroxyprogesterone acetate treatment one week prior to release from confinement and shall continue treatments and counseling until the board of probation and parole determines that the treatment is no longer necessary or until the offender reaches the end of the offender's sentence.

5. No offender shall be granted early parole due to an agreement to undergo such treatment.

6. The board of probation and parole may decline to apply the provisions of this section to any offender who, on the date of the offense, was less than eighteen years of age, if the victim consented to the act.

7. The department of corrections shall promulgate such rules as are necessary to implement the provisions of this section.

8. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 347, Page 3, Section 567.020.3, Line 4, by inserting after the word "judge" the words ", upon a finding that chemical dependency exists,"

Amend title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 334**.

With House Committee Amendment No 1 and House Amendment No. 4.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 334, Page 2, Section 136.055, Line 33, by inserting after all of said line the following:

"4. The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:

The increased fees approved by the Missouri Legislature and charged by this fee office were requested by the fee agents."

HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 334, Page 2, Section 136.055, Lines 23 through 29, by deleting all of said lines and inserting in lieu thereof the following:

"2. This section shall not apply to agents appointed by the state director of revenue in any city, other than a city not within a county, where the department of revenue maintains an office. All fees charged shall not exceed those in this section."

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HS** for **HCS** for **HB 335**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Mueller offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 89, Section 376.1387, Line 22, by striking the word "panel" and inserting in lieu thereof, the word "**organization**"; and further amend said bill, page 89 on line 23 and line 24, by striking the word "panel(s)", and inserting in lieu thereof the word "**organization(s)**"; and further amend said bill, page 89, line 26, by striking the word, "panel(s)", and inserting in lieu thereof, the word "**organization(s)**"; and further amend said bill, page 90, line 1, by striking the word "random" and inserting in lieu thereof, the word "**rotational**".

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

Senator Mueller offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 89, Section 376.1387, Line 21, by striking the words ", including but not limited to," and

inserting in lieu thereof the words "but if the grievance is unresolved by the director then it shall be resolved by".

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 89, Section 376.1387.1, Line 19, by adding after the word "determination" the following: "as to covered services".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Pages 2-3, Section 192.068, by striking all of said section and inserting in lieu thereof the following:

"192.068. 1. All entities subject to the provisions of sections 354.400 to 354, RSMo, shall annually prepare a health plan employer data and information set (HEDIS) report. A copy of this report shall be furnished to the department of health within sixty days of the entity's completing such report.

2. The department may perform studies and produce information publications based upon reports obtained pursuant to this section. Such publication shall include a consumer guide which may be published in conjunction with any similar publication produced by the department of insurance. Prior to its being published by the department and/or the department of insurance, an entity shall be allowed to review and comment on any publication based on the HEDIS report it made to the department. With the permission of the entity, any publication may include comments from such entity. Consumer guides shall be made available to the public. The department may charge a reasonable fee for other publications made pursuant to this section. Such fees shall be credited to the public health services fund established in section 192.900.

3. This section shall sunset on December 31, 2000."; and

Further amend the title and enacting clause accordingly; and

Further amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 98, Section 538.205, Line 10 of said page, by inserting immediately after all of said line the following:

"538.207. An action based on the provisions of this chapter may be brought against a health maintenance organization subject to the provisions of sections 354.400 to 354.636 only if the health maintenance organization:

(1) Is the employer of the health care provider who actually provided the treatment that is the basis for the cause of action by the plaintiff who is covered by the health maintenance organization;

(2) Makes an adverse determination that, pursuant to sections 376.1350 to 376.1390, RSMo, is found to be incorrect and such adverse determination caused harm to the plaintiff; or

(3) Provides financial incentives to discourage a primary care physician or gatekeeper from providing essential health care referrals for conditions covered by the health maintenance organization; and

a. Such incentives were not disclosed by the health maintenance organization;

b. Had they been disclosed, the enrollee who made the decisions to be covered by the health maintenance would have selected a health plan that did not have such incentives; and

c. The failure to obtain the essential health care referral caused harm to the plaintiff."; and

Further amend the title and enacting clause accordingly; and

Further amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 55, Section 354.624, Lines 16-21 of said page, by striking all of said lines and inserting in lieu thereof the following:

"354.624. 1. A health carrier shall file with the director all contract forms proposed for use with its participating providers and intermediaries. The forms shall not contain any information on compensation terms, rates or other payments by the carrier to participating providers or intermediaries and shall contain information on any term involving risk-sharing arrangements between the parties."; and

Further amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 96, Section 536.028, Line 19 of said page, by inserting immediately after all of said line the following:

"537.035. 1. As used in this section, unless the context clearly indicates otherwise, the following words and terms shall have the meanings indicated:

(1) "Health care professional", a physician or surgeon licensed under the provisions of chapter 334, RSMo, or a dentist licensed under the provisions of chapter 332, RSMo, or a podiatrist licensed under the provisions of chapter 330, RSMo, or an optometrist licensed under the provisions of chapter 336, RSMo, or a pharmacist licensed under the provisions of chapter 338, RSMo, or a chiropractor licensed under the provisions of chapter 331, RSMo, or a psychologist licensed under the provisions of chapter 337, RSMo, or a nurse licensed under the provisions of chapter 335, RSMo, or a social worker licensed under the provisions of chapter 337, RSMo, or a professional counselor licensed under the provisions of chapter 337, RSMo, or a mental health professional as defined in section 632.005, RSMo, while acting within their scope of practice;

(2) "Peer review committee", a committee of health care professionals with the responsibility to evaluate, maintain, or monitor the quality and utilization of health care services or to exercise any combination of such responsibilities.

2. A peer review committee may be constituted as follows:

(1) Comprised of, and appointed by, a state, county or local society of health care professionals;

(2) Comprised of, and appointed by, the partners, shareholders, or employed health care professionals of a partnership or professional corporation of health care professionals;

(3) Appointed by the board of trustees, chief executive officer, or the organized medical staff of a licensed hospital, or other health facility operating under constitutional or statutory authority, or an administrative entity of the department of mental health recognized pursuant to the provisions of subdivision (3) of subsection 1 of section 630.407, RSMo;

(4) Any other organization formed pursuant to state or federal law authorized to exercise the responsibilities of a peer review committee and acting within the scope of such authorization;

(5) Appointed by the board of directors, chief executive officer or the medical director of the licensed health maintenance organization.

3. Each member of a peer review committee and each person, hospital governing board, **health maintenance organization board of directors**, and chief executive officer of a licensed hospital or other hospital operating under

constitutional or statutory authority, **chief executive officer or medical director of a licensed health maintenance organization** who testifies before, or provides information to, acts upon the recommendation of, or otherwise participates in the operation of, such a committee shall be immune from civil liability for such acts so long as the acts are performed in good faith, without malice and are reasonably related to the scope of inquiry of the peer review committee.

4. Except as otherwise provided in this section, the proceedings, findings, deliberations, reports, and minutes of peer review committees concerning the health care provided any patient are privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person or entity or be admissible into evidence in any judicial or administrative action for failure to provide appropriate care. Except as otherwise provided in this section, no person who was in attendance at any peer review committee proceeding shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding, or to disclose any opinion, recommendation, or evaluation of the committee or board, or any member thereof; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before a peer review committee nor is a member, employee, or agent of such committee, or other person appearing before it, to be prevented from testifying as to matters within his personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about testimony or other proceedings before any health care review committee or board or about opinions formed as a result of such committee hearings.

5. The provisions of subsection 4 of this section limiting discovery and admissibility of testimony as well as the proceedings, findings, records, and minutes of peer review committees do not apply in any judicial or administrative action brought by a peer review committee or the legal entity which formed or within which such committee operates to deny, restrict, or revoke the hospital staff privileges or license to practice of a physician or other health care providers; or when a member, employee, or agent of the peer review committee or the legal entity which formed such committee or within which such committee operates is sued for actions taken by such committee which operate to deny, restrict or revoke the hospital staff privileges or license to practice of a physician or other health care provider.

6. Nothing in this section shall limit authority otherwise provided by law of a health care licensing board of the state of Missouri to obtain information by subpoena or other authorized process from peer review committees or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of such health care licensing boards."; and

Further amend the title and enacting clause accordingly; and

Further amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 105, Section 11, Line 9 of said page, by inserting immediately after all of said line the following:

"Section 12. 1. The director of the department of insurance shall personally report to the appropriate committees of the general assembly by March 1 of each year on the status of all actions initiated, maintained by the director, or which have been concluded, during the preceding year to enforce the provisions of this act. The director shall answer all questions regarding such actions, or regarding other matters that are related to the provisions of this act.

2. Any person against whom the director has taken an action to enforce the provisions of this act shall be allowed to make a statement before any committee hearing the report of the director.

3. Any statement made at such a hearing shall not be used as evidence in any administrative hearing on the action, or in any case reviewing the action."; and

Further amend said bill, Page 105, Section 12, Line 18 of said page, by striking the following: "and 13" and inserting in lieu thereof the following: ", **13 and 14**"; and

Further amend the title and enacting clause accordingly; and

Further amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 105, Section 11, Line 9 of said page, by inserting immediately after all of said line the following:

"Section 12. Any rule made by the director of the department of insurance to implement the provisions of this act that is to take effect before January 1, 1999, shall be proposed by the director in sufficient time for the notice of proposed rulemaking to be published in the December 15, 1997, edition of the Missouri Register. No rule implementing the provisions of this act may be promulgated on as an emergency rule."; and

Further amend said bill, Page 105, Section 12, Line 18 of said page, by striking the following: "and 13" and inserting in lieu thereof the following: ", **13 and 14**"; and

Further amend the title and enacting clause accordingly; and

Further amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 105, Section 13, Line 27 of said page, by inserting immediately after all of said line the following:

"Section 14. Before the provisions of sections 192.068, 354.400, 354.405, 354.410, 354.430, 354.441, 354.442, 354.443, 354.444, 354.470, 354.490, 354.505, 354.515, 354.535, 354.600, 354.603, 354.606, 354.609, 354.612, 354.615, 354.618, 354.621, 354.624, 354.627, 354.636, 374.500, 374.507, 374.510, 376.423, 376.810, 376.811, 376.1350, 376.1353, 376.1356, 376.1359, 376.1375, 376.1378, 376.1382, 376.1385, 376.1387, 376.1389, 376.1390, 538.205 and the enactment of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this act shall become effective, the governor shall appoint or reappoint the director of the department of insurance with the advice and consent of the senate.

Section B. The repeal and reenactment of sections 192.068, 354.400, 354.405, 354.410, 354.430, 354.441, 354.442, 354.443, 354.444, 354.470, 354.490, 354.505, 354.515, 354.535, 354.600, 354.603, 354.606, 354.609, 354.612, 354.615, 354.618, 354.621, 354.624, 354.627, 354.636, 374.500, 374.507, 374.510, 376.423, 376.810, 376.811, 376.1350, 376.1353, 376.1356, 376.1359, 376.1375, 376.1378, 376.1382, 376.1385, 376.1387, 376.1389, 376.1390, 538.205 and the enactment of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this act shall become effective upon confirmation or reconfirmation of the director of the department of insurance."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Flotron requested that **SA 6** be voted on in seven parts, asking that a vote first be taken on Section 192.068; a second vote be taken on Section 538.207; a third vote be taken on Section 354.624; a fourth vote be taken on Section 537.035; a fifth vote be taken on Section 12.1, 12.2 and 12.3, a sixth vote be taken on Section 12, and a seventh vote be taken on Section 14 and Section B, which request was granted.

Part 1 of **SA 6** was taken up.

Senator Flotron moved that Part 1 of **SA 6** be adopted, which motion failed on a standing division vote.

Part 2 of **SA 6** was taken up.

Senator Flotron moved that Part 2 of **SA 6** be adopted, which motion failed on a standing division vote.

Part 3 of **SA 6** was taken up.

Senator Flotron moved that Part 3 of **SA 6** be adopted.

Senator Klarich offered **SSA 1** for Part 3 of **SA 6**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR PART 3 OF

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 55, Section 354.624, Line 18, by deleting the word "The" on said line and deleting lines 19-21.

Senator Klarich moved that the above substitute amendment be adopted.

Senator Johnson announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

Senator Mathewson resumed the Chair.

Senator Schneider requested leave of the Senate to allow the Committee on Judiciary to meet while the Senate is in session, which request was granted.

At the request of Senator Klarich **SSA 1** for Part 3 of **SA 6** was withdrawn.

At the request of Senator Flotron, Part 3 of **SA 6** was withdrawn.

Part 4 of **SA 6** was taken up.

Senator Flotron moved that Part 4 of **SA 6** be adopted, which motion prevailed.

Part 5 of **SA 6** was taken up.

Senator Flotron moved that Part 5 of **SA 6** be adopted.

Senator Maxwell offered **SA 1** to Part 5 of **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO

PART 5 OF

SENATE AMENDMENT NO. 6

Amend Part 5 of Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 1, Section 12, Lines 11-15, by deleting all of said lines and further amend said amendment, Page 1, Section 12, Line 16, by deleting the words "reviewing the action".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Part 5, as amended, to **SA 6** was again taken up.

Senator Flotron moved that Part 5, as amended, to **SA 6** be adopted, which motion prevailed.

Part 6 was taken up.

At the request of Senator Flotron, Part 6 was withdrawn.

Part 7 of **SA 6** was taken up.

At the request of Senator Flotron, Part 7 of **SA 6** was withdrawn.

Senator Flotron offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 55, Section 354.624, Lines 16-21 of said page, by striking all of said lines and inserting in lieu thereof the following:

"1. A health carrier shall file with the director all contract forms proposed for use with its participating providers and intermediaries. The forms shall not contain any information on compensation terms, rates or other payments by the carrier to participating providers or intermediaries and shall contain information on any term involving risk-sharing arrangements between the parties."

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Maxwell, **HS** for **HCS** for **HB 335**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Bentley moved that the vote by which the Senate refused to concur in **HCA 1** to **SB 373** and requested the House to recede from its position, or failing to do so, grant the Senate a conference thereon was adopted be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Curls	Singleton--2
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Absent with leave--Senators--Ehlmann--1

At the request of Senator Bentley, the motion requesting that the House recede or grant conference was withdrawn, placing the bill on the Calendar.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which were referred **HS** for **HCS** for **HBs 69** and **179** and **HCS** for **HB 669**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HS** for **HB 513**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **HS** for **HCS** for **HB 472**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for House Bill No. 472, Page 12, Section 288.050, Lines 61-63, by striking the following: "and shall, in cases of misconduct that involve a conviction for a criminal act of deceit or dishonesty in connection with his or her work,".

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 129**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 129, Page 2, Section 376.1209, Line 15, by inserting after all of said line the following:

"3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy or long-term care policy."

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 339**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HCS** for **HBs 87** and **264**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HCS** for **HB 620**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 58**, begs leave to report that it has

considered the same and recommends that the bill do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HCS** for **HB 557**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HCS** for **HB 288**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1, 2, 3 and 4.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 288, Page 2, Section 640.100, Line 15, by inserting after the word "operators" the following: ", **backflow prevention assembly testers**"; and

Further amend said bill, page 2, section 640.100, line 16, by striking ", and" and inserting in lieu thereof the following: ". **Any person seeking to be a certified backflow prevention assembly tester shall satisfactorily complete standard, nationally-recognized written and performance examinations designed to ensure that the person is competent to determine if the assembly is functioning within its design specifications. The commission shall promulgate rules and regulations**"; and

Further amend said bill, page 2, section 640.100, line 20, by placing an opening bracket "[" before the word "The" as it appears the first time on said line; and

Further amend said bill, Page 2, Section 640.100, Line 28, by placing a closing bracket "]" after the numeral and period "640.110".

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 288, Page 11, Section 644.122, Line 38, by inserting immediately after all of said line the following:

"Section 1. Other provisions of law notwithstanding, the Missouri clean water commission shall have the authority to promulgate rules and regulations, pursuant to chapter 536, RSMo, to establish standards and guidelines to ensure that the state of Missouri is in compliance with the provisions of the federal Clean Water Act, as amended. The standards and guidelines so established shall not be any stricter than those required under the provisions of the federal Clean Water Act, as amended; nor shall those standards and guidelines be enforced in any area of the state prior to the time required by the federal Clean Water Act, as amended."; and

Further amend the title and enacting clause accordingly.

SENATE COMMITTEE AMENDMENT NO. 3

Amend House Committee Substitute for House Bill No. 288, Page 4, Section 640.107, Lines 1 to 3, by striking all of said lines and inserting in lieu thereof the following:

"640.107. 1. There is hereby established, as a subfund of the water and wastewater fund established in section 644.122, RSMo, the "Drinking Water Revolving Fund", which shall be maintained and accounted for separately, and which shall consist of moneys from all lawful public and private sources including legislative appropriations, federal capitalization grants, interest on investments and principal and interest payments with respect to loans

made from the drinking water revolving fund. Money in the drinking water revolving fund may be used only for purposes as are authorized in the Federal Safe Drinking Water Act, as amended from time to time.

2. The commission shall, consistent with the requirements of the federal Safe Drinking Water Act for the drinking water revolving fund to become eligible for capitalization grants from the U.S. Environmental Protection Agency, establish criteria and procedures for the selection of projects and the making of loans or the grant of loan subsidies for disadvantaged communities.

3. After providing for review and public comment, and in accordance with the requirements for such plans set forth in the federal Safe Drinking Water Act, the commission shall annually prepare an intended use plan for the funds available in the drinking water revolving fund.

4. Consistent with the requirements of the federal Safe Drinking Water Act, and only to the extent funds are able to be obligated for eligible projects of public water systems, in developing its annual intended use plan, the commission shall, based upon need, make no less than, but may make greater than thirty-five percent of the moneys credited to the drinking water revolving fund available solely for project loans and loan subsidies for projects of systems serving fewer than ten thousand people in accordance with the following:

Systems Serving	Percentage
0 - 500 people	20%
501 - 10,000 people	15%

provided that, in any fiscal year, loan subsidies may not exceed the maximum percentage as specified in the federal Safe Drinking Water Act."

SENATE COMMITTEE AMENDMENT NO. 4

Amend House Committee Substitute for House Bill No. 288, Page 5, Section 640.115, Line 19, by striking the following: ", technical and financial capacity"; and inserting in lieu thereof the following: "**and technical capacity and may be required to have and maintain financial capacity**"; and

Further amend said bill, page and section line 26, by striking the following: ", technical and financial" and inserting in lieu thereof the following: "**and technical**"; and

Further amend said bill, page and section, line 27, by inserting after the word "capacity" the following: "**and may be required to have and maintain financial capacity**".

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HCS** for **HB 276**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HB 738**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HB 301**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 304**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HCS** for **HB 696**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HS** for **HB 811**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Substitute for House Bill No. 811, Page 3, Section 4, Lines 2-8, by striking all of said lines and inserting in lieu thereof the following: "**supervision and approval of a board of directors, which shall be composed of the following:**

- (1) Three members shall be appointed by the speaker of the house of representatives, made up of no more than two members of one political party;**
- (2) Three members shall be appointed by the president pro tem of the senate, made up of no more than two members of one political party;**
- (3) The director of the department of health;**
- (4) The director of the department of insurance;**
- (5) The director of the department of social services;**
- (6) The commissioner of education; and**
- (7) The director of the department of mental health."; and**

Further amend said bill, Page 4, Section 6, Line 3, by striking the word "student" and inserting in lieu thereof the word "**child**"; and

Further amend said bill, Page 5, Section 6, Line 12, by striking the word "subsection" and inserting in lieu thereof the word "**section**".

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HCS** for **HB 697**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 697, Page 2, Section 43.265, Line 16, by striking the words "for no other purpose" and inserting in lieu thereof the words "**operational costs**".

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HJR 2**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HBs 641** and **593**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HJR 18**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HB 474**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 411**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 578**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HCS** for **HB 141**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 381**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HJR 16** and has again taken up and passed **SCS** for **HJR 16**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 700** and has again taken up and passed **SCS** for **HB 700**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1**, **SCA 2** to **HB 628** and has again taken up and passed **HB 628**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 257**, as amended, and has again taken up and passed **SCS** for **HB 257**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 343** and has again taken up and passed **SS** for **SCS** for **HB 343**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and defeated the Conference Committee Report on **SCS** for **HCS** for **HB 6** and requests that the Senate grant further conference on **SCS** for **HCS** for **HB 6** and that the conferees be allowed to exceed the differences to remove the increase and remove all of the core money in Section 6.322.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 241**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and concurred in **SCA 1** and **SCA 2** but refused to concur in **SA 1** to **HCS** for **HBs 600** and **388** and requests the Senate to recede from its position thereon, and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and concurred in **SCA 1** and **SCA 2** to **HCS** for **HBs 424** and **534** but refused to concur in **SA 1** and emergency clause to **HCS** for **HBs 424** and **534** and requests the Senate to recede from its position thereon, and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **SCS** for **SCR 7**.

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications services and energy services and sources which will likely create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy, including electricity and other energy sources, and this trend has both potential benefits and potential adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function during the interim between the first and second regular sessions of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications and energy services taxation, competition between governmental entities and private telecommunication entities, the need to maintain and sufficiently fund emergency telephone services ("911") in light of the increased use of cellular phones and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale including consideration of the effects on residential customers, small business customers, large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 17**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

adopted **SCR 23**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 241**, as amended: Representatives: Hosmer, Schilling, Ford, Dolan and Wooten.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 16**, as amended: Senators Mathewson, Caskey, Johnson, Ehlmann and Sims.

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 241**, as amended: Senators Quick, Mathewson, McKenna, Bentley and Rohrbach.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate refuse to grant the House further conference on **SCS** for **HCS** for **HB 6** and request the House to recede from its position, adopt the conference committee report and take up and pass **CCS** for **HB 6**, which motion prevailed.

Senator Howard moved that the Senate refuse to recede from its position on **SA 1** to **HCS** for **HBs 600** and **388**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Banks moved that the Senate refuse to concur in **HCS** for **SB 347**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 799, regarding Joe Murphy, which was adopted.

Senator Caskey offered Senate Resoltuion No. 800, regarding Kevin Gardner, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, fifty fourth grade students from Chesterfield Elementary School, Chesterfield; and Tim Disch, Emma Gonzalez, Ed Vongruben and Amanda Ives were made honorary pages.

Senator Bentley introduced to the Senate, students from Sherwood Elementary School, Springfield; and Sara Holt, Paige Smith and Samantha Fawcett were made honorary pages.

Senator Howard introduced to the Senate, Dennis and Karla Whitlow, Carol Gross, and forty-four eighth grade students from Twin Rivers School District, Broseley; and Dustin Benson and Ashley Lindsey were made honorary pages.

Senator Rohrbach introduced to the Senate, Allan Stack, and seventh grade students from Clarksburg.

Senator Russell introduced to the Senate, Carol Anderson, Jodi Sell, Jackie Peppi and forty-three fifth grade students from Mansfield.

Senator DePasco introduced to the Senate, the Physician of the Day, Randolph McKenzie, M.D., Kansas City.

Senator Bentley introduced to the Senate, Mark Alexander, and his son, Cheston, Springfield; and Cheston was made an honorary page.

Senator House introduced to the Senate, Leo Simon Luetkenhaus and Jackie Hosack, St. Charles County.

Senator Ehlmann introduced to the Senate, Lisa Wildschuetz, and ninety fifth grade students from John Weldon Elementary School, St. Charles; and Paige Bannecker, Jessica Brock, Shannon Barth and Stacey Varnon were made honorary pages.

Senator Sims introduced to the Senate, William Modelski, and twenty-one eighth grade students from Hope Lutheran School, St. Louis.

Senator Kenney introduced to the Senate, Florencio and Pepi Provencio and Donald and Jean Gigler, Lebanon, Pennsylvania; and Carlos Provencio, Jefferson City.

Senator Bentley introduced to the Senate, former State Representative Dan Woodall, Springfield.

Senator Howard introduced to the Senate, his son, John Trevor Howard, St. Louis.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Wednesday, May 7, 1997.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIFTH DAY--WEDNESDAY, MAY 7, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we may disagree, even get angry at one another; but we never lose our respect, our friendship or our love for one another in this body. Bring us together to solve the issues we face. Keep us together in our friendship. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

PRIVILEGED MOTIONS

Senator Staples moved that **SB 19**, with **HS** for **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SB 19**, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 19

An Act to repeal section 32.055, RSMo 1994, relating to motor vehicle records, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

Was taken up.

Senator Staples moved that **HS** for **HCS** for **SB 19** be adopted.

At the request of Senator Staples, the motion to adopt **HS** for **HCS** for **SB 19** was withdrawn.

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HS** for **HCS** for **HB 335**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HS** for **HCS** for **HB 335**, as amended, was again taken up.

Senator Maxwell offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 85, Section 376.1367, Line 6, by deleting the word "thirty" and inserting in lieu thereof the word "sixty".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Staples assumed the Chair.

Senator Maxwell offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 26, Section 354.443, Line 18, by adding after the period "." the following: "Capitation arrangements between health maintenance organizations and health care providers shall not be considered an inducement to limit, restrict or deny access to medical services.".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Johnson announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

Senator Graves offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 40, Section 354.606, Line 20, by inserting after the word "**remedy**" the following: "**; including, but not limited to, collecting from any insurance carrier providing coverage to a covered person**".

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 33, Section 354.535, Line 14 of said page, by inserting immediately after said line the following:

"5. Health maintenance organizations shall not insist or mandate any provider to change an enrollee's maintenance drug unless the provider and enrollee agree to such change. For the purposes of this provision, a maintenance drug shall mean a drug prescribed by a practitioner who is licensed to prescribe drugs, used to treat a medical condition for a period greater than thirty days. Violations of this provision shall be subject to the penalties provided in section 354.444, RSMo. Notwithstanding other provisions of law to the contrary, health maintenance organizations that change an enrollee's maintenance drug without the consent of the provider and enrollee shall be liable for any damages resulting from such change."

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

At the request of Senator Maxwell, **HS** for **HCS** for **HB 335**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 18**--Appropriations.

HB 883--Civil and Criminal Jurisprudence.

HS for **HB 850**--Judiciary.

REFERRALS

President Pro Tem McKenna referred **HB 578**; **HS** for **HCS** for **HB 474**; **HCS** for **HBs 641** and **593**; **HCS** for **HB 697**, with **SCA 1**; **HCS** for **HB 288**, with **SCAs 1, 2, 3** and **4**; **HCS** for **HB 557**, with **SCS**; **HB 58**; **HS** for **HCS** for **HB 472**, with **SCA 1**; **HS** for **HB 513**, with **SCS**; and **HCS** for **HB 411** to the Committee on State Budget Control.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **HBs 600** and **388**, with **SA 1**: Senators Howard, Banks, Clay, Klarich and Sims.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 132**, as amended: Representatives: Days, Thomason (163), Scheve, Long, Enz.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 823** and has again taken up and passed **HB 823**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 340** and has again taken up and passed **HB 340**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 523** and has again taken up and passed **HB 523**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 820** and has again taken up and passed **SCS** for **HB 820**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 756** and has again taken up and passed **HB 756**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 347**, as amended, and grants the Senate a conference thereon.

On motion of Senator Quick, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

CONFERENCE COMMITTEE REPORTS

Senator Klarich, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 56**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 56

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Committee Substitute for Senate Bill 56, with House Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 56, as amended;
- 2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 56;
- 3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 56 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ David Klarich /s/ Brian May

/s/ John D. Schneider /s/ Craig Hosmer

/s/ Harold L. Caskey /s/ Jim Seigfreid

/s/ Jerry Howard /s/ Bill Alter

/s/ Larry Rohrbach /s/ Phil Wannenmacher

Senator Klarich moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Caskey	Childers	Clay	DePasco
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Westfall	Wiggins	Yeckel--27	

Nays--Senators--None

Absent--Senators

Banks	Bentley	Curls	Ehlmann
Schneider	Singleton	Staples--7	

Absent with leave--Senators--None

On motion of Senator Klarich, **CCS** for **HCS** for **SCS** for **SB 56**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 56

An Act to repeal sections 547.200, 552.020, 556.036, 566.617, and 568.060, RSMo 1994, relating to court procedure, and to enact in lieu thereof twenty-one new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Westfall	Wiggins	Yeckel--27	

Nays--Senators--None

Absent--Senators

Bentley	Curls	Ehlmann	Flotron
Schneider	Singleton	Staples--7	

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich, moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Wiggins offered the following Concurrent Resolution:

SENATE CONCURRENT RESOLUTION NO. 26

BE IT RESOLVED that the Senate of the Eighty-ninth General Assembly, the House of Representatives concurring therein, that the Secretary of State of Missouri shall prepare and cause to be collated, indexed, printed and bound, all acts and resolutions of the Eighty-ninth General Assembly, First Regular Session and extra sessions, if any, and shall examine the printed copies and compare them with and correct the same by the original rolls and note all errors, if any, which have been committed and cause errata thereof to be annexed, together with an attestation under the hand of

the Secretary of State that she has compared the same and the original rolls in her office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Secretary of State; and

BE IT FURTHER RESOLVED that the Secretary of State is authorized to print and bind up to two thousand five hundred (2500) copies of the acts and resolutions of the eighty-ninth General Assembly with appropriate indexing.

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HS** for **HCS** for **HB 335**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HS** for **HCS** for **HB 335**, as amended, was again taken up.

Senator Maxwell offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 54, Section 354.618, Line 18, by inserting immediately after all of said line the following:

"9. Nothing contained in this act shall apply to certified managed care organizations while providing medical treatment to injured employees entitled to receive health benefits under chapter 287, RSMo, pursuant to contractual arrangements with employers, or their insurers, under 287.135, RSMo."

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Klarich offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 53, Section 354.618.4, Line 25, by inserting before the word "A", the following: "except for good cause,"; and further amend said section, line 27, by striking the comma "," on said line.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 24, Section 354.442, Line 21, by adding after all of said line the following: "provided however, there shall not be any requirement to disclose the above information as to owners if more than 100 persons are owners or shareholders."

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Klarich, **SA 14** was withdrawn.

Senator Klarich offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, by deleting subsection 13 on page 81, lines 19 to 25, and inserting in lieu thereof the following:

"13. If a participating provider or an authorized representative of a health carrier authorizes the provision of health care services, the health carrier shall not subsequently retract its authorization after the health care services have been provided, or reduce payment for an item or service furnished in reliance on approval, unless

(1) such authorization is based on a material misrepresentation or omission about the treated person's health condition or the cause of the health condition; or

(2) the health benefit plan terminates before the health care services are provided; or

(3) the covered person's coverage under the health benefit plan terminates before the health care services are provided; or

(4) the covered person's condition is specifically excluded from coverage under the terms of the health benefit plan.".

Senator Klarich moved that the above amendment be adopted.

Senator Klarich offered **SA 1** to **SA 15**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 15

Amend Senate Amendment No. 15 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 1, by deleting on line 1, the words "participating provider or" and add on line 11, at the end thereof the following: "and no service has been yet provided.".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich moved that **SA 15**, as amended, be adopted, which motion failed on a standing division vote.

Senator Childers offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 25, Section 354.442, Line 10, by inserting after the word "organization" on said line the words "**and any financial interest in a pharmacy provider utilized by such organization**"; and

Further amend said bill, Section 354.443, Page 26, Line 12, by inserting after the word "arrangements" on said line the following ", financial interest in," and further amend said section and page, line 13, by inserting after the word "would" on said line the words "encourage or".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 24, Section 354.442, Line 15, by deleting the "and" after the ";"; and further amend said bill, section and page, line 20, by deleting the "." and inserting in lieu thereof "**; and**

(15) The director of the department of insurance shall develop a standard credentialing form which shall be

used by all health carriers when credentialing health care professionals in a managed care plan. If the health carrier demonstrates a need for additional information, the director of the department of insurance may approve a supplement to the standard credentialing form. All forms and supplements shall meet all requirements as defined by the National Committee of Quality Assurance."

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Johnson resumed the Chair.

Senator Kenney offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 86, Section 376.1375, Line 11, by deleting the word "fifteen" and inserting in lieu thereof the word "twenty"; further amend said bill, same section and page, line 15, by deleting the word "fifteen" and insert in lieu thereof the word "twenty".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer requested unanimous consent of the Senate to allow the Committee on Appropriations to meet while the Senate is in session, which request was granted.

Senator Jacob offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 87, Section 376.1378, Line 22, by inserting immediately after said line:

"5. In the event there is a conflict between the outcomes of the grievance procedure and any such suit, the outcome of the suit in a court of competent jurisdiction shall prevail."; and

Further amend said bill, section 376.1387, page 90, line 1, by deleting after the word "basis." the rest of said line and all of lines 2-17 and inserting the following:

"The organization's decision as to the resolution of the grievance shall be based upon a review of the written record before it. The grievance and resolution of such grievance shall not be considered a contested case within the meaning of section 536.010, RSMo, but the resolution of such grievance by the panel shall be considered a final agency decision within the director's discretion, binding upon the enrollee and health carrier, and subject to judicial review if:

(1) Action for such review is filed within thirty days of the final agency decision; and

(2) Judicial review is limited to the record before the director; and

(3) The enrollee and health carrier are deemed real parties in interest; and

(4) The scope of judicial review extends only to a determination of whether the action of the director is unconstitutional, unlawful, unreasonable, arbitrary, or capricious or involves an abuse of discretion or is in excess of the statutory authority or jurisdiction of the director."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

President Pro Tem McKenna resumed the Chair.

Senator Sims offered **SA 20**, which was read:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 69, Section 376.811, Line 14, by inserting after the word "illness" the following: ", **not to exceed ninety days per year**".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, by deleting subsection 13 on page 81, lines 19 to 25, and inserting in lieu thereof the following:

"13. If an authorized representative of a health carrier authorizes the provision of health care services, the health carrier shall not subsequently retract its authorization after the health care services have been provided, or reduce payment for an item or service furnished in reliance on approval, unless

(1) such authorization is based on a material misrepresentation or omission about the treated person's health condition or the cause of the health condition; or

(2) the health benefit plan terminates before the health care services are provided; or

(3) the covered person's coverage under the health benefit plan terminates before the health care services are provided."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 33, Section 354.535, Line 14, by inserting immediately after said line the following:

"6. Notwithstanding any provision to the contrary under section 354.535, subsection 5 of this act, maintenance drugs as described in this section shall not include drugs which are classified as narrow therapeutic index drugs for which the United States food and drug administration has approved a generic substitute."

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Pages 51-52, Section 354.618, Lines 1 and 2, Page 52, Lines 1-28 and Page 53, Lines 1-6, by deleting said lines and inserting in lieu thereof the following:

"354.618. 1. A health carrier shall be required to offer as an additional health plan, an open referral health plan whenever it markets a gatekeeper group plan as an exclusive or full replacement health plan offering to a group contract holder.

(1) In the case of group health plans offered to employers of fifty or fewer employees, the decision to accept or reject the additional open referral plan offering shall be made by the group contract holder. For health plans marketed to employers of over fifty employees, the decision to accept or reject shall be made by the employee.

(2) Contracts currently in existence shall offer the additional open referral health plan at the next annual renewal after the effective date of this section; however, multi-year group contracts need not comply until the expiration of their current multi-year term unless the group contract holder elects to comply before that time,

(3) If an employer provides more than one health plan to its employees and at least one is a open referral plan, then all health benefit plans offered by such employer shall be exempt from the requirements of this section.

2. For the purposes of this act, the following terms shall mean:

(1) "Open Referral Plan", a plan in which the enrollee is allowed to obtain treatment for covered benefits without a referral from a primary care physician from any person licensed to provide such treatment;

(2) "Gatekeeper Group Plan", a plan in which the enrollee is required to obtain a referral from a primary care professional in order to access specialty care."; and

Renumber remaining subsections accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 33, Section 354.535, Lines 2-9, by deleting and replacing with the following:

"3. Every health maintenance organization shall apply the same coinsurance, copayment and deductible factors to all drug prescriptions filled by a pharmacy provider who participates in the health maintenance organization's network if the provider meets the contract's explicit product cost determination. If any such contract is rejected by any pharmacy provider, the HMO may offer other contracts necessary to comply with any network adequacy provisions of this act. However, nothing in this section shall be construed to prohibit the health maintenance organization from applying different coinsurance, copayment and deductible factors between generic and brand name drugs.".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 78, Section 376.1361, Lines 18-22, by deleting said lines and inserting in lieu thereof the following: "**Missouri. A licensed**".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson resumed the Chair.

Senator Schneider offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for

House Bill No. 335, Page 91, Section 376.1390, Lines 16-17, by striking all of said lines; and further amend line 18, by striking the following: "provisions of sections 376.1350 to 376.1390."; and

Further amend said bill, page and section, line 21, by inserting after all of said line the following:

"376.1399. 1. The director may, after notice and hearing, promulgate reasonable rules to carry out the provisions of sections 376.1350 to 376.1390. The director shall have the authority to promulgate rules to accomplish the following purposes:

(1) To regulate the internal affairs of the department of insurance;

(2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and

(3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 376.1350 to 376.1390.

2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 376.1350 to 376.1390 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 376.1350 to 376.1390 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void."; and

Further amend said bill, page 105, Section 13, line 27, by inserting after all of said line the following:

"Section 14. 1. The director may, after notice and hearing, promulgate reasonable rules to carry out the provisions of sections 1 to 11. The director shall have the authority to promulgate rules to accomplish the following purposes:

(1) To regulate the internal affairs of the department of insurance;

(2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and

(3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 1 to 11.

2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 1 to 11 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 1 to 11 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 27**, which was read:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 7, Section 354.400, Line 28, by striking "advanced practice nursing," appearing in said lines; and page 8, line 14, by striking "advanced practice nurses,".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 28**:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 89, Section 375.1385, Line 14, by after the word "enrollee's" insert the following: "or the health carrier's or plan sponsor's rights"; and further amend said bill at the same page, section and line, by deleting the word "right"; and

Further amend said bill at page 89, section 376.1387, line 20, by deleting the words "against a health carrier" and inserting in lieu thereof the words "or health carrier or plan sponsor" before the word "through".

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 29**:

SENATE AMENDMENT NO. 29

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 4, Section 354.400, Line 1 of said page, by striking "354.636" and inserting in lieu thereof the following: "**354.535**".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 30**:

SENATE AMENDMENT NO. 30

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 41, Section 354.606, Line 13, by deleting the "." following "carrier" and inserting the following:

"nor shall a participating provider collect or attempt to collect from an enrollee any money in excess of the coinsurance, copayments or deductibles.".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 31**, which was read:

SENATE AMENDMENT NO. 31

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for

House Bill No. 335, Page 44, Section 354.606, Lines 12-14, by deleting all the language after the word "network"; and

Further amend said substitute, pages 53-54, Section 354.618, line 27, by deleting the words ", and when referring enrollees for health services provided within the scope of those professional licenses".

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Maxwell, **HS** for **HCS** for **HB 335**, with **SCS**, **SS** for **SCS**, as amended, and **SA 31** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 15**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 15, Page 32, Section 15.222, by inserting immediately after said section the following:

"Section 15.224. To the Department of Natural Resources

For the Division of Environmental Quality

For the purchase of land, building of

facilities, and the purchase of the equipment

necessary to implement the motor vehicle

emissions inspection program; provided,

however, that funds appropriated herein

shall be administered under the oversight of a

committee composed of three members of the

House of Representatives appointed by the

Speaker with no more than two members from

any party, three members of the Senate

appointed by the President Pro Tem with no

more than two members from any party and

the Director of the Department of Natural

Resources or his designee

Representing expenditures originally authorized

under the provisions of House Bill Section

1023.116, an Act of the 87th General

Assembly, Second Regular Session and most

recently authorized under the provisions of

House Bill Section 15.292, an Act of the 88th

General Assembly, First Regular Session

From Federal and Other Funds \$1 E"; and

Further amend said bill, page 47, section 15.330, by deleting said section in its entirety; and

Further amend said bill, page 75, section 15.490, by inserting immediately after said section the following:

"Section 15.492. To the Department of Natural Resources

For the Division of Environmental Quality

For the purpose of funding a motor vehicle

emissions program provided, however, that

funds appropriated herein shall be

administered under the oversight of a

committee composed of three members of the

House of Representatives appointed by the

Speaker with no more than two members

from any party, three members of the Senate

appointed by the President Pro Tem with no

more than two members from any party and

the Director of the Department of Natural

Resources or his designee

Expense and Equipment

Representing expenditures originally authorized

under the provisions of House Bill Section

1006.322, and Act of the 88th General

Assembly, Second Regular Session

From Missouri Air Pollution Control Fund,
Federal Funds, and Other Funds, **excluding**
General Revenue \$388,000".

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 16**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 17**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 17, Page 4, Section 17.065, Line 5, by deleting the number "830,386" and inserting in lieu thereof the number "481,647"; and

Further amend said bill, page 8, section 17.200 by deleting said section in its entirety and inserting in lieu thereof the following:

"Section 17.200. There is transferred out of the State Treasury, chargeable to the funds shown below, the following amounts to the General Revenue Fund

From Federal Funds.	\$ 44,502
From Child Support Enforcement Collections Fund	6,849
From General Revenue Reimbursement Fund	5,411
From Compulsive Gamblers Fund	288
From Nursing Facility Quality of Care Fund.	1,145
From Division of Tourism Supplemental Revenue Fund	5,223
From Health Initiatives Fund.	3,652
From Animal Care Reserve Fund	357
From Division of Aging Elderly Home Delivered Meals Trust Fund	45

From Commodity Council	
Merchandising Fund	68
From Single Purpose Animal Facilities	
Loan Program Fund.	431
From Federal Surplus Property Fund.	230
From Natural Resources Revolving	
Services Fund.	251
From Department of Natural Resources	
Cost Allocation Fund	16,934
From Office of Administration Revolving	
Administrative Trust Fund.	21,003
From Department of Social Services	
Administrative Trust Fund.	103
From Department of Economic Development	
Administrative Fund.	4,032
From Division of Finance Fund	8,742
From Department of Insurance Dedicated	
Fund	23,939
From Natural Resources Protection	
Fund-Water Pollution Permit Fee	
Subaccount	6,440
From Solid Waste Management Fund-	
Scrap Tire Subaccount.	1,209
From Solid Waste Management Fund.	2,850
From Metallic Minerals Waste	
Management Fund.	208
From Manufactured Housing Fund.	1,276
From Natural Resources Protection Fund-Air	
Pollution Asbestos Fee Subaccount.	468

From Underground Storage Tank	
Insurance Fund	2,543
From Underground Storage Tank	
Regulation Program Fund.	486
From Motor Vehicle Commission Fund.	215
From Natural Resources Protection Fund-	
Air Pollution Permit Fee Subaccount.	8,458
From Public Service Commission Fund	41,877
From Conservation Commission Fund	2,025
From Parks Sales Tax Fund	51
From Soil and Water Sales Tax Fund.	6,015
From Department of Revenue	
Information Fund	1,855
From State Highways and Transportation	
Department Fund.	153,647
From Grain Inspection Fee Fund.	605
From Water and Waste Water	
Loan Fund.	2,820
From Workers' Compensation Fund	30,012
From Second Injury Fund	6,855
From Railroad Expense Fund.	1,854
From Petroleum Inspection Fund.	2,979
From Hazardous Waste Fund	3,453
From Safe Drinking Water Fund	4,005
From Missouri Office of Prosecution	
Services Fund.	553
From Crime Victims' Compensation	
Fund	132

From Coal Mine Land Reclamation
Fund 142

From Professional Registration
Fees Fund.27,727

From Hazardous Waste Remedial
Fund 5,795

From Missouri Air Pollution
Control Fund 1,136

From Mined Land Reclamation
Fund 735

Total \$ 461,631".

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HS** for **HCS** for **HB 335**, with **SCS** and **SS** for **SCS**, as amended, and **SA 31** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 31 was again taken up.

At the request of Senator Rohrbach, the above amendment was withdrawn.

Senator Kenney offered **SA 32**, which was read:

SENATE AMENDMENT NO. 32

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 43, Section 354.606, Line 12, by adding immediately after the word "care" the following, "but shall not disclose individual identities,".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SS** for **SCS** for **HS** for **HCS** for **HB 335**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SCS** for **HS** for **HCS** for **HB 335**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson

Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--Rohrbach--1

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator McKenna ruled the pending point of order on **SA 7** to **HCS** for **HJR 9** well taken. The subject matter and original intent of the Joint Resolution was to establish different majorities for voter approval of tax rates, based upon the level of taxation submitted to the voters. **SA 7** established a refund mechanism for the Hancock Amendment which would have been another subject matter. With clarity in the rules at issue, research of previous rulings indicated that amendments must be germane to the original intent in joint resolutions as well.

President Wilson resumed the Chair.

On motion of Senator Curls, **HCS** for **HJR 9**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	Ehlmann	Goode	House
Howard	Jacob	Johnson	Kenney
Lybyer	Mathewson	Maxwell	McKenna
Quick	Schneider	Scott	Sims
Staples	Wiggins--22		

Nays--Senators

Flotron	Graves	Kinder	Klarich
Mueller	Rohrbach	Russell	Singleton
Westfall	Yeckel--10		

Absent--Senators

Clay DePasco--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Banks moved that **SCS** for **SB 263**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 263**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 263

An Act to repeal sections 660.100, 660.105, 660.110, 660.115, 660.120, 660.122, 660.125 and 660.135, RSMo 1994, and section 660.130, RSMo Supp. 1996, relating to the funding of the Missouri utilicare and related energy assistance programs, and to enact in lieu thereof ten new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Banks moved that **HCS** for **SCS** for **SB 263** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--Rohrbach--1

Absent--Senators--Schneider--1

Absent with leave--Senators--None

On motion of Senator Banks, **HCS** for **SCS** for **SB 263** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--Rohrbach--1

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kinder
Klarich	Maxwell	McKenna	Mueller
Quick	Russell	Schneider	Scott
Sims	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators

Kenney	Lybyer	Rohrbach	Singleton--4
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Absent--Senators--Mathewson--1

Absent with leave--Senators--None

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 347**, as amended: Representatives: Hosmer, Carter, Rizzo, Cierpiot and Broach.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **HBs 600** and **388**, as amended: Representatives: Carter, Harlan, Luetkenhaus, Sallee and Wooten.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 664**, entitled:

An Act to repeal section 42.135, RSMo 1994, and section 313.835, RSMo Supp. 1996, and to enact in lieu thereof six new sections for the purpose of creating the Missouri national guard trust fund, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 50**, entitled:

An Act to repeal sections 272.010, 272.020, 272.030, 272.040, 272.050, 272.060, 272.070, 272.080, 272.090, 272.100, 272.110, 272.120, 272.130, 272.150, 272.160, 272.170, 272.180, 272.190, 272.200, 272.210, 272.220, 272.230, 272.235, 272.240, 272.250, 272.260, 272.270, 272.280, 272.290, 272.300, 272.310, 272.320, 272.330, 272.340, 272.350, 272.360 and 272.370, RSMo 1994, relating to fences, and to enact in lieu thereof eleven new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HB 232**, entitled:

An Act relating to insurance coverage for cancer prevention.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 508** and **145**, entitled:

An Act to repeal sections 660.053 and 660.078, RSMo 1994, and to enact in lieu thereof five new sections for the purpose of creating a shared care program in the division of aging for the care of the elderly.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 264**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 176**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS** for **SB 97**, as amended, entitled:

An Act to repeal sections 630.155, 630.167 and 630.710, RSMo Supp. 1996, relating to the confidentiality of mental health reports, and to enact in lieu thereof three new sections relating to the same subject.

With House Amendments Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute for Senate Bill No. 97, Page 4, Section 630.167, Line 18 of said page, by striking the word "report" and inserting in lieu thereof the following: "**reports**"; and

Further amend said bill, Page 4, Section 630.167, Line 19 of said page, by inserting immediately after the word "disclosure" the following: "**or unless a judicial proceeding or hearing in accordance with section 36.390, RSMo, results**"; and

Further amend said bill, Page 5, Section 630.167, Line 11 of said page, by striking the closing bracket "]" and

Further amend said bill, Page 5, Section 630.167, Lines 11-12 of said page, by striking the following: "**or hearing in**

accordance with section 36.390, RSMo,"; and

Further amend said bill, Page 5, Section 630.167, Line 13 of said page, by striking the opening bracket "[".

HOUSE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 97, Page 1, In the Title, Line 2, by inserting immediately after the word "sections" the following: "552.030 and 610.105, RSMo 1994, and sections 43.503,"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "three" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after the word "Sections" the following: "552.030 and 610.105, RSMo 1994, and sections 43.503,"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "three" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after the word "sections" the following: "43.503, 552.030, 610.105,"; and

Further amend said bill, Page 1, Section 630.155, Line 1, by inserting before all of said line the following:

"43.503. 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to 43.530.

2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506 shall furnish without undue delay, to the central repository, fingerprints, charges, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied by the highway patrol. All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other law enforcement agencies for the purpose of furnishing without undue delay such fingerprints, charges, and descriptions to the central repository upon its behalf. In instances where an individual less than seventeen years of age is taken into custody for an offense which would be considered a felony if committed by an adult, the arresting officer shall take one set of fingerprints for the central repository and may take another set for inclusion in a local or regional automated fingerprint identification system. These fingerprints shall be taken on fingerprint cards which are plainly marked "juvenile card" and shall be provided by the central repository. The fingerprint cards shall be so constructed that only the fingerprints, unique identifying number, and the court of jurisdiction are made available to the central or local repository. The remainder of the card which bears the individual's identification and the duplicate unique number shall be provided to the court of jurisdiction. The appropriate portion of the juvenile fingerprint card shall be forwarded to the central repository and the courts without undue delay. The fingerprint information from the card shall be captured and stored in the automated fingerprint identification system operated by the central repository. The juvenile fingerprint card shall be stored in a secure location, separate from all other fingerprint cards. In the event the fingerprints from this card are found to match latent prints searched in the automated fingerprint identification system, the court of jurisdiction shall be so advised.

3. The prosecuting attorney of each county or the circuit attorney of a city not within a county shall notify the central repository on standard forms supplied by the highway patrol of all charges filed, including all those added subsequent to the filing of a criminal court case, and whether charges were not filed in criminal cases for which the central repository has a record of an arrest. All records forwarded to the central repository by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall include the state offense cycle number of the offense, and the originating agency identifier number of the reporting prosecutor, using such numbers as assigned by the highway patrol.

4. The clerk of the courts of each county or city not within a county shall furnish the central repository, on standard forms supplied by the highway patrol, with all final dispositions of criminal cases for which the central repository has a record of an arrest or a record of fingerprints reported pursuant to subsections 6 and 7 of this section. Such information shall include, for each charge:

(1) All judgments of not guilty, **acquittals on the ground of mental disease or defect excluding responsibility**, judgments or pleas of guilty including the sentence, if any, or probation, if any, pronounced by the court, nolle pros, discharges, **releases** and dismissals in the trial court;

(2) Court orders filed with the clerk of the courts which reverse a reported conviction or vacate or modify a sentence;

(3) Judgments terminating or revoking a sentence to probation, supervision or conditional release and any resentencing after such revocation; and

(4) The offense cycle number of the offense, and the originating agency identifier number of the reporting court, using such numbers as assigned by the highway patrol.

5. The clerk of the courts of each county or city not within a county shall furnish court judgment and sentence documents and the state offense cycle number of the offense, which result in the commitment or assignment of an offender, to the jurisdiction of the department of corrections **or the department of mental health if the person is committed pursuant to chapter 552, RSMo**. This information shall be reported to the department of corrections **or the department of mental health** at the time of commitment or assignment. If the offender was already in the custody of the department of corrections **or the department of mental health** at the time of such subsequent conviction, the clerk shall furnish notice of such subsequent conviction to the **appropriate** department [of corrections] by certified mail, return receipt requested, within ten days of such disposition.

6. After the court pronounces sentence, including an order of supervision or an order of probation granted for any offense which is required by statute to be collected, maintained, or disseminated by the central repository, **or commits a person to the department of mental health pursuant to chapter 552, RSMo**, the prosecuting attorney or the circuit attorney of a city not within a county shall ask the court to order a law enforcement agency to fingerprint immediately all [sentenced] persons appearing before the court **to be sentenced or committed** who have not previously been fingerprinted for the same case. The court shall order the requested fingerprinting if it determines that any sentenced **or committed** person has not previously been fingerprinted for the same case. The law enforcement agency shall submit such fingerprints to the central repository without undue delay.

7. The department of corrections **and the department of mental health** shall furnish the central repository with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency, or discharge of an individual who has been sentenced to [the] **that** department's custody for any offenses which are mandated by [this act] **law** to be collected, maintained or disseminated by the central repository. All records forwarded to the central repository by the department as required by sections 43.500 to 43.530 shall include the offense cycle number of the offense, and the originating agency identifier number of the department using such numbers as assigned by the highway patrol.

552.030. 1. A person is not responsible for criminal conduct if, at the time of such conduct, as a result of mental disease or defect [he] **such person** was incapable of knowing and appreciating the nature, quality, or wrongfulness of [his] **such person's** conduct.

2. Evidence of mental disease or defect excluding responsibility shall not be admissible at trial of the accused unless the accused, at the time of entering [his] **such accused's** plea to the charge, pleads not guilty by reason of mental disease or defect excluding responsibility, or unless within ten days after a plea of not guilty, or at such later date as the court may for good cause permit, [he] **the accused** files a written notice of [his] **such accused's** purpose to rely on such defense. Such a plea or notice shall not deprive the accused of other defenses. The state may accept a defense of mental disease or defect excluding responsibility, whether raised by plea or written notice, if the accused has no other defense and files a written notice to that effect. The state shall not accept a defense of mental disease or defect excluding responsibility in the absence of any pretrial evaluation as described in this section or section 552.020. Upon the state's

acceptance of the defense of mental disease or defect excluding responsibility, the court shall proceed to order the commitment of the accused as provided in section 552.040 in cases of persons acquitted on the ground of mental disease or defect excluding responsibility, and further proceedings shall be had regarding the confinement and release of the accused as provided in section 552.040.

3. Whenever the accused has pleaded mental disease or defect excluding responsibility or has given the written notice provided in subsection 2 of this section, and such defense has not been accepted as provided in subsection 2 of this section, the court shall, after notice and upon motion of either the state or the accused, by order of record, appoint one or more private psychiatrists or psychologists, as defined in section 632.005, RSMo, or physicians with a minimum of one year training or experience in providing treatment or services to mentally retarded or mentally ill individuals, who are neither employees nor contractors of the department of mental health for purposes of performing the examination in question, to examine the accused, or shall direct the director of the department of mental health, or [his] **the director's** designee, to have the accused so examined by one or more psychiatrists or psychologists, as defined in section 632.005, RSMo, or physicians with a minimum of one year training or experience in providing treatment or services to mentally retarded or mentally ill individuals designated by the director, or [his] **the director's** designee, as qualified to perform examinations pursuant to this chapter. The order shall direct that written report or reports of such examination be filed with the clerk of the court. No private psychiatrist, psychologist, or physician shall be appointed by the court unless [he] **such psychiatrist, psychologist or physician** has consented to act. The examinations ordered shall be made at such time and place and under such conditions as the court deems proper; except that, if the order directs the director of the department of mental health to have the accused examined, the director, or [his] **the director's** designee, shall determine the time, place and conditions under which the examination shall be conducted. The order may include provisions for the interview of witnesses and may require the provision of police reports to the department for use in evaluation. If an examination provided in section 552.020 was made and the report [thereof] **of such examination** included an opinion as to whether, at the time of the alleged criminal conduct, the accused, as a result of mental disease or defect, did not know or appreciate the nature, quality or wrongfulness of [his] **such accused's** conduct or as a result of mental disease or defect was incapable of conforming [his] **such accused's** conduct to the requirements of law, such report may be received in evidence, and no new examination shall be required by the court unless, in the discretion of the court, another examination is necessary. If an examination is ordered pursuant to this section, the report shall contain the information required in subsections 3 and 4 of section 552.020. Within ten days after receiving a copy of such report, both the accused and the state shall, upon written request, be entitled to an order granting them an examination of the accused by an examiner of [his] **such accused's** or its own choosing and at [his] **such accused's** or its expense. The clerk of the court shall deliver copies of the report or reports to the prosecuting or circuit attorney and to the accused or [his] **such accused's** counsel. No reports required by this subsection shall be public records or be open to the public. Any examination performed pursuant to this subsection shall be completed and the results shall be filed with the court within sixty days of the date it is received by the department or private psychiatrist, psychologist or physician unless the court, for good cause, orders otherwise.

4. If the report contains the recommendation that the accused should be held in custody in a suitable hospital facility pending trial, and if the accused is not admitted to bail, or released on other conditions, the court may order that the accused be committed to or held in a suitable hospital facility pending trial.

5. No statement made by the accused in the course of any such examination and no information received by any physician or other person in the course thereof, whether such examination was made with or without the consent of the accused or upon [his] **the accused's** motion or upon that of others, shall be admitted in evidence against the accused on the issue of whether [he] **the accused** committed the act charged against [him] **the accused** in any criminal proceeding then or thereafter pending in any court, state or federal. The statement or information shall be admissible in evidence for or against [him] **the accused** only on the issue of [his] **such accused's** mental condition, whether or not it would otherwise be deemed to be a privileged communication. If the statement or information is admitted for or against the accused on the issue of [his] **such accused's** mental condition, the court shall, both orally at the time of its admission and later by instruction, inform the jury that it must not consider such statement or information as any evidence of whether the accused committed the act charged against [him] **the accused**.

6. All persons are presumed to be free of mental disease or defect excluding responsibility for their conduct, whether or not previously adjudicated in this or any other state to be or to have been sexual or social psychopaths, or

incompetent; provided, however, the court may admit evidence presented at such adjudication based on its probative value. The issue of whether any person had a mental disease or defect excluding responsibility for [his] **such person's** conduct is one for the trier of fact to decide upon the introduction of substantial evidence of lack of such responsibility. But, in the absence of such evidence, the presumption shall be conclusive. Upon the introduction of substantial evidence of lack of such responsibility, the presumption shall not disappear and shall alone be sufficient to take that issue to the trier of fact. The jury shall be instructed as to the existence and nature of such presumption when requested by the state and, where the issue of such responsibility is one for the jury to decide, the jury shall be told that the burden rests upon the accused to show by a preponderance or greater weight of the credible evidence that the defendant was suffering from a mental disease or defect excluding responsibility at the time of the conduct charged against [him] **the defendant**. At the request of the defense the jury shall be instructed by the court as to the contents of subsection 2 of section 552.040.

7. When the accused is acquitted on the ground of mental disease or defect excluding responsibility, the verdict and the judgment shall so state **as well as state the offense for which the accused was acquitted. The clerk of the court shall furnish a copy of any judgment or order of commitment to the department of mental health pursuant to this section to the criminal records central repository pursuant to section 43.403, RSMo.**

610.105. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, **unless the finding of not guilty is pursuant to section 552.030, RSMo**, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except that the disposition portion of the record may be accessed for purposes of exculpation and except as provided in section 610.120."

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Substitute for Senate Bill No. 97, Page 3, Section 630.155.3, Line 10, by adding at the end of said line, after the word "faith", the following: **"unless the department acted negligently, recklessly, or with malicious purpose."**

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Substitute for Senate Bill No. 97, Page 7, Line 25, by inserting after all of said line the following:

"337.636. Persons licensed under the provisions of sections 337.600 to 337.639 may not disclose any information acquired from persons consulting them in their professional capacity, or be compelled to disclose such information except:

(1) With the written consent of the client, or in the case of the client's death or disability, the client's personal representative or other person authorized to sue, or the beneficiary of an insurance policy on the client's life, health or physical condition;

(2) When such information pertains to a criminal act;

(3) When the person is child under the age of eighteen years and the information acquired by the licensee indicated that the child was the victim of a crime;

(4) When the person waives the privilege by bringing charges against the licensee;

(5) **Upon order of the court**, when the licensee is called upon to testify in any court or administrative hearings concerning matters of adoption, adult abuse, child abuse, child neglect, or other matters pertaining to the welfare of clients of the licensee; or

(6) When the licensee is collaborating or consulting with professional colleagues or an administrative superior on behalf of the client.

337.639. Nothing in sections 337.600 to 337.639 shall be construed to prohibit any person licensed under the provisions of sections 337.600 to 337.639 from testifying in court hearings, **upon order of the court**, concerning matters of adoption, adult abuse, child abuse, child neglect, or other matters pertaining to the welfare of children or any dependent person, or from seeking collaboration or consultation with professional colleagues or administrative supervisors on behalf of the client."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 315**.

With House Committee Amendment No. 1, House Substitute Amendment No. 1 for House Committee Amendment No. 2, House Amendments Nos. 1 and 2, House Substitute Amendment No. 1 for House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 3, House Substitute Amendment No. 1 for House Amendment No. 3, as amended, and House Amendments Nos. 4, 5 and 6.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill 315, Page 3, Section 304.050, Line 74, by inserting an opening bracket "[" immediately in front of the word "Notwithstanding"; and

Further amend said bill, Page 3, Section 304.050, Line 76 by inserting a closing bracket "]" immediately following the word "plates.".

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR

HOUSE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 315, Page 2, Section 304.050, Line 35, by deleting the word "**The**" and inserting in lieu thereof the words "**A public school district shall have the authority pursuant to this section to adopt a policy which provides that the**".

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 315, Page 2, Section 304.050, Line 19, by inserting immediately following the word "**new**" the word "**public**"; and

Further amend said bill, page 4, section 307.375, line 14, by inserting immediately following the word "**on**" the word "**public**".

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 315, Page 2, Section 304.050, Subsection 3, by inserting immediately after all of said subsection the following:

"This subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri school children who have been injured or killed during the operation of a school bus.".

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 1 TO

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 3

Amend House Substitute Amendment No. 1 for House Amendment No. 3 to Senate Bill No. 315, Lines 10 and 11, by deleting all of said line and inserting in lieu thereof the following: **"Grant Program". School districts and Private Schools required to be equipped with crossing control arms pursuant to subsection 3 of section 304.050 may apply for grants, after the statewide mandate required pursuant to subsection 3 of section 304.050 is satisfied for"**.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 315, Page 2, Section 304.050, Line 24, by inserting immediately after the word **"arm."** the words **"A school district shall have the authority to exempt itself from the provisions of this subsection by a vote of its board and any private school shall also have such authority to exempt itself by a vote of its governing body."**; and

Further amend said bill, Page 4, Section 304.050, Line 92, by inserting immediately after all of said line the following:

"9. There is hereby established the "School Bus Safety Equipment Grant Program". School boards or Governing bodies of private schools may apply for grants from the program for the purchase of school bus safety equipment which may include, but is not limited to, school bus safety arms, strobe lights, two-way radios and video equipment. The program shall be administered by the director of public safety pursuant to rules and regulations promulgated by the director."; and

Further amend said bill, Page 4, Section 307.375, Line 15, by inserting immediately after the abbreviation **"RSMo"** the words **", except for those schools exempt pursuant to the provisions of such section"**.

HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 315, Page 6, Section B, Line 2, by adding immediately after said line, the following:

"Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act."

HOUSE AMENDMENT NO. 5

Amend Senate Bill No. 315, Page 5, Section 307.375, Line 33, by inserting immediately after the word **"bus"** the following:

";

(17) Any other safety equipment or device required by the local school district".

HOUSE AMENDMENT NO. 6

Amend Senate Bill No. 315, Page 2, Section 304.050, Line 18, by deleting the words "pick up" and inserting therein the word "**transport**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 299**.

With House Substitute Amendment No. 1 for House Amendment No. 1.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 299, Page 1, Section 21.145, Line 3, by inserting after the word exceed "80% of"; and

Further amend page 2, section 476.380, line 5 by inserting after the word exceed "80% of".

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 31**.

HOUSE CONCURRENT RESOLUTION NO. 31

WHEREAS, a number of urban areas in the state of Missouri are experiencing rapid growth in terms of population, new business development, and physical expansion; and

WHEREAS, proper and comprehensive planning at both the local and state levels is necessary to ensure that such rapid growth does not have a serious negative impact on economic development and the quality of life for the citizens residing in those areas; and

WHEREAS, a thorough study should be conducted to determine the effects of rapid growth and development as it relates to various factors that have a direct impact on economic development and the quality of life;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that an interim committee of the General Assembly be created for the purpose of conducting a study on growth and development in rapidly growing areas, and that said committee be authorized to function during the interim of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that said interim committee be composed of five members of the House to be appointed by the Speaker of the House, three of whom shall be members of the Democratic Party and two of whom shall be members of the Republican Party; and five members of the Senate to be appointed by the President Pro Tem of the Senate, three of whom shall be members of the Democratic Party and two of whom shall be members of the Republican Party; and

BE IT FURTHER RESOLVED that the committee conduct a study on the effects of growth on economic development and the quality of life and make recommendations for improving the quality of life for residents in rapidly growing areas; and

BE IT FURTHER RESOLVED that the committee gather and analyze information on transportation, land use, public safety, infrastructure needs and costs, environmental concerns, and any other pertinent factors affecting economic development and the quality of life in rapidly growing areas; and

BE IT FURTHER RESOLVED that the committee conduct at least four public hearings around the state in areas experiencing rapid growth; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Eighty-ninth General Assembly by December 30, 1997; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research provide such legal research, clerical, technical and bill drafting services as the task force may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members, and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof, be paid from the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

Senator Wiggins resumed the Chair.

PRIVILEGED MOTIONS

Senator Lybyer moved that **SB 299**, with **HSA 1** for **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HSA 1 for **HA 1** was taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Howard	Jacob	Johnson	Kinder
Lybyer	Mathewson	McKenna	Quick
Russell	Schneider	Scott	Singleton
Staples	Westfall	Wiggins	Yeckel--24

Nays--Senators

Bentley	Caskey	Graves	House
Kenney	Klarich	Maxwell	Mueller
Rohrbach	Sims--10		

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Lybyer, **SB 299**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Clay	Curls	DePasco
Ehlmann	Flotron	Goode	Howard
Jacob	Johnson	Kinder	Lybyer

Mathewson	McKenna	Quick	Russell
Schneider	Scott	Singleton	Staples
Westfall	Wiggins	Yeckel--23	
	Nays--Senators		
Bentley	Caskey	Childers	Graves
House	Kenney	Klarich	Maxwell
Mueller	Rohrbach	Sims--11	
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Pro Tem McKenna resumed the Chair.

Senator DePasco moved that the Senate refuse to concur in **HS** for **HCS** for **SB 142**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that **SS** for **SB 367**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SS** for **SB 367**, as amended, entitled:

HOUSE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 367

An Act to repeal section 217.705, RSMo 1994, and sections 565.084 and 571.030, RSMo Supp. 1996, relating to probation and parole officers, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Caskey moved that **HS** for **SS** for **SB 367**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--Curls--1

Absent with leave--Senators--None

On motion of Senator Caskey, **HS** for **SS** for **SB 367**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--Curls--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Schneider, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SB 387**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 387

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 387; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 387;
2. That the Senate recede from its position on Senate Bill No. 387;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 387 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John Schneider /s/ Phil Smith
/s/ Jerry T. Howard /s/ Craig Hosmer
/s/ Sidney Johnson Kelly Parker
/s/ Peter Kinder /s/ Michael R. Gibbons
/s/ Anita Yeckel /s/ Todd Akin

Senator Schneider moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach

Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--Curls--1

Absent with leave--Senators--None

On motion of Senator Schneider, **CCS** for **HCS** for **SB 387**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 387

An Act to repeal sections 528.010 and 528.600, RSMo 1994, relating to the sale of certain property, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls Mathewson--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls Johnson--2

Absent with leave--Senators--None

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Staples moved that the Senate refuse to concur in **HCA 1, HSA 1 for HCA 2, HA 1, HA 2, HSA 1 for HA 3**, as amended, **HA 4, HA 5** and **HA 6** to **SB 315** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 734**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

REFERRALS

President Pro Tem McKenna referred **HCR 31** to the Committee on Rules, Joint Rules and Resolutions.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS for SB 347**, as amended: Senators Banks, Wiggins, Staples, Sims and Bentley.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 801, regarding Ruth Ferrel, Butler, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mueller introduced to the Senate, Hank and Barbara Enneking, St. Louis.

Senator Sims introduced to the Senate, Elaina S. Shelton and Jamie L. and Bethany P. Cummings, St. Charles.

Senator Klarich introduced to the Senate, seventy-five fourth grade students from Chesterfield Elementary School, Chesterfield; and Jackie Behle, Andrea Lindner and Megan Wuebbels were made honorary pages.

Senator Howard introduced to the Senate, Doug Adams, Mrs. Flo Clawson, Dianna Davis, and forty students from Fisk Elementary School, Twin Rivers; and Jeremiah Wolf, Trisha Scott and Sarah Wilkerson were made honorary pages.

Senator Flotron introduced to the Senate, thirty-five eighth grade students from St. Monica's School, St. Louis.

Senator Rohrbach introduced to the Senate, members of the Lincoln University Track Teams: Lorraine Graham, Beverley Grant, Shelly-Ann Berth, Yvonne Andrews, Symantha Betts, Latonya

Wheeler, Damani Akridge, James Birchfield, Eric Dabner, Dwight Ferguson, Duane Hill and Marcus Jones, Jefferson City.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Thursday, May 8, 1997.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SIXTH DAY--THURSDAY, MAY 8, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, when the hours get long and the patience short, when the requests from us are many and the things left to give are few, don't let us do something we know we shouldn't, or say anything we'll regret. Lead us to do those things our kids and grandkids will point to with pride. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Goode offered Senate Resolution No. 802, regarding Donna Meersman, Chesterfield, which was adopted.

Senators Wiggins and DePasco offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 803

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Harvey A. Jones, of Independence; and

WHEREAS, Mr. Jones, a lifelong resident of Independence, lived his entire life in the Eastern Jackson County area; and

WHEREAS, Mr. Jones was a 1929 graduate of William Chrisman High School, Independence, and attended the University of Missouri, Columbia; and

WHEREAS, beginning in 1932 he joined the family business, begun by his grandfather in 1852, became Independence City Engineer in 1944, later was elected Jackson County Highway Engineer, and became Chief Engineer for the Little Blue Sewer District; and

WHEREAS, Mr. Jones was a lifelong democrat and was the founder and president of the Congress of Democratic Clubs, and served as first chairman of the Missouri Pollution Control Board which later became the Clean Water Commission; and

WHEREAS, Mr. Jones was a registered Professional Engineer and Land Surveyor, a member of the Missouri Society of Professional Engineers, a 32nd Degree Shriner, and a member of the First Presbyterian Church of Independence;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of Harvey A. Jones, express their appreciation for his lifetime of good citizenship, and his contributions to Jackson County and to Missouri and extend to his wife, Mrs. Elizabeth R. Jones, family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mrs. Elizabeth R. Jones, H. Douglas Jones, Robert Jones, Carlye Raine, Sarah Hancock, Mr. Jones, Mr. Joe Bolger, Jr., the Jackson County Legislature, Kansas City Courthouse, the Jackson County Legislature, Independence Courthouse and the City of Independence.

CONCURRENT RESOLUTIONS

Senator Johnson moved that **HCR 28**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Johnson, **HCR 28**, as amended, was adopted by the following vote:

Yeas--Senators

Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--Rohrbach--1

Absent--Senators

Banks Bentley Curls--3

Absent with leave--Senators--None

Senator Goode moved that **SCS** for **SCR 7**, with **HCS**, be taken up for adoption, which motion prevailed.

HCS for **SCS** for **SCR 7** was taken up.

On motion of Senator Goode, **HCS** for **SCS** for **SCR 7** was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Banks Curls--2

Absent with leave--Senators--None

Senator Wiggins moved that **SCR 26** be taken up for adoption, which motion prevailed.

On motion of Senator Wiggins, **SCR 26** was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Banks Curls Schneider--3

Absent with leave--Senators--None

PRIVILEGED MOTIONS

Senator Staples moved that **SB 19**, with **HS** for **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SB 19** was again taken up.

Senator Staples moved that **HS** for **HCS** for **SB 19** be adopted.

Senator Howard offered a substitute motion that the Senate refuse to concur in **HS** for **HCS** for **SB 19** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, and requested a roll call vote be taken. He was joined in his request by Senators Kenney, Klarich, Mueller and Singleton.

The substitute motion made by Senator Howard failed by the following vote:

Yeas--Senators

Bentley	Childers	Clay	Ehlmann
Graves	Howard	Kenney	Kinder
Klarich	Rohrbach	Singleton	Yeckel--12

Nays--Senators

Banks	Caskey	Curls	DePasco
Flotron	Goode	House	Jacob
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Schneider	Scott	Staples	Westfall
Wiggins--21			

Absent--Senators--Sims--1

Absent with leave--Senators--None

Senator Staples moved that **HS** for **HCS** for **SB 19** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Curls
DePasco	Flotron	Goode	Jacob
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Schneider
Scott	Staples	Westfall	Wiggins--20

Nays--Senators

Bentley	Clay	Ehlmann	Graves
House	Howard	Kenney	Kinder
Klarich	Rohrbach	Russell	Singleton
Yeckel--13			

Absent--Senators--Sims--1

Absent with leave--Senators--None

On motion of Senator Staples, **HS** for **HCS** for **SB 19** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Curls
DePasco	Flotron	Goode	House
Jacob	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Quick	Rohrbach
Schneider	Scott	Staples	Westfall
Wiggins--21			

Nays--Senators

Bentley	Clay	Ehlmann	Graves
Howard	Kenney	Kinder	Klarich
Mueller	Russell	Singleton	Yeckel--12

Absent--Senators--Sims--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HS for **HB 390**, with **SCS**, entitled:

An Act to repeal sections 190.005, 190.010, 190.015, 190.043, 190.055, 190.060, 190.073, 190.093, 190.095, 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.135, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180, 190.190, 190.235, 190.237, 190.239, 190.241, 190.243, 190.245 and 190.247, RSMo 1994, and section 190.145 as both versions appear in RSMo Supp. 1996, and section 190.185, RSMo Supp. 1996, relating to emergency services, and to enact in lieu thereof thirty-nine new sections relating to the same subject.

Was taken up by Senator Quick.

SCS for **HS** for **HB 390**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 390

An Act to repeal sections 190.005, 190.010, 190.015, 190.043, 190.055, 190.060, 190.073, 190.093, 190.095, 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.135, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180, 190.190, 190.235, 190.237, 190.239, 190.241, 190.243, 190.245 and 190.247, RSMo 1994, and section 190.145 as both versions appear in RSMo Supp. 1996, relating to emergency services, and to enact in lieu thereof thirty-six new sections relating to the same subject.

Was taken up.

Senator Quick moved that **SCS** for **HS** for **HB 390** be adopted.

Senator Kinder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 390, Page 24, Section 190.120, Line 49, by inserting immediately after all of said line the following:

"190.126. Every ambulance service which is located within the state of Missouri shall have a lien upon any and all claims, counterclaims, demands, suits or rights of action of any person treated or transported by the ambulance service for any cause including any personal injury sustained by such person as the result of the negligence or wrongful act of another, which such injured person may have, assert or maintain against the person or persons causing such injury for damages on account of such injury, for the cost of such services, computed at reasonable rates, as such ambulance service shall render such injured person on account of such person's conditions; provided that, the lien herein set forth shall not be applied or considered valid against anyone coming under the workers' compensation law in this state.

190.127. Notwithstanding the provisions of section 190.126, every ambulance service which is located within the state of Missouri shall have a lien upon any and all claims, counterclaims, demands, suits, or rights of action of any person treated or transported by the ambulance service for any cause including any personal injury

sustained by such person as the result of the negligence or wrongful act of another, which such injured person may have, assert or maintain against the person or persons causing such injury for damages on account of such injury, for the cost of such services, computed at reasonable rates not to exceed the customary charges for the services, as such ambulance service shall render such injured person on account of such person's conditions. The lien set forth in this section shall not be applied or considered valid against anyone coming under the workers' compensation law in this state. The lien set forth in this section shall be considered valid and may be applied against medical benefits paid anyone pursuant to the provisions of chapter 208, RSMo, whether such benefits are paid from state or federal funds, or a combination thereof.

190.128. No such lien shall be effective unless a written notice containing the name and address of the injured person, the date of the accident, the name and location of the ambulance service and the name of the person or persons, firm or firms, corporation or corporations alleged to be liable to the injured party for the injuries received, shall be sent by registered mail with return receipt requested to the person or persons, firm or firms, corporation or corporations, if known, alleged to be liable to the injured party, if known, for the injuries sustained prior to the payment of any moneys to such injured person, his attorneys or legal representative, as compensation for such injuries. Such ambulance service shall send by registered mail with return receipt requested a copy of such notice to any insurance carrier, if known, which has insured such person, firm or corporation against such liability.

190.129. Any person or persons, firm or firms, corporation or corporations, including an insurance carrier, making any payment to such patient or to the patient's attorneys or heirs or legal representatives as compensation for the injury sustained, after the receipt of such notice in accordance with the requirements of section 190.128, without paying to such ambulance service the amount of its lien or so much thereof as can be satisfied out of ten percent of the moneys due to such patient under any final judgment or compromise or settlement agreement after paying the amount of attorneys' liens, federal and Missouri workers' compensation liens, and any prior liens, shall have a period of one year, after such settlement is made known to the ambulance service, from the date of payment to such patient or such patient's heirs, attorneys or legal representatives, as aforesaid, be and remain liable to such ambulance service for the amount which such ambulance service was entitled to receive, as aforesaid, and any such association, corporation or other institution maintaining such ambulance service may, within such period, enforce its lien by a suit at law against such person or persons, firm or firms, corporation or corporations making any such payment."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Schneider offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 390, Page 24, Section 190.120, Line 49, by inserting:

"190.126. An ambulance service can obtain a lien for services rendered in the same manner as any person with right to obtain a mechanics lien."

Senator Schneider moved that the above amendment be adopted, which motion failed.

President Wilson assumed the Chair.

Senator Johnson resumed the Chair.

SA 1 was again taken up.

Senator Kinder moved that the above amendment be adopted, which motion failed.

Senator House offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Bill No. 390, Page 7, Section 190.060, Line 73, by inserting immediately after all of said line the following:

"5. After August 28, 1997, the board of directors of an ambulance district that proposes to contract for the total management and operation of the ambulance service, when that ambulance district has not previously contracted out for said service, shall hold a public hearing and shall make a finding that the proposed contract to manage and operate the ambulance service will:

(1) Provide benefits to the public health that outweigh the associated costs;

(2) Maintain or enhance public access to ambulance service;

(3) Maintain or improve the public health and promote the continued development of the regional emergency medical services system.

6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this section, the ambulance district may enter into the proposed contract, however said contract shall not be implemented for at least ninety days.

(2) The provisions of subsection 5 of this section shall not apply to contracts which were executed prior to August 28, 1997, or to the renewal or modification of such contracts or to the signing of a new contract with an ambulance service provider for services that were previously contracted out.

190.074. To levy and collect taxes as herein provided, the board shall fix a rate of levy, not to exceed ten cents on the one hundred dollars valuation of the taxable tangible property within the district as shown by the last completed assessment, the revenues from which shall be deposited in a special fund and used only for the pension program of the district, by submitting the following question to the voters at the municipal general, or a state primary or general election in such district or at any election at which a member of the board of directors is to be elected:

Shall the board of directors of Ambulance District be authorized to levy an annual tax rate of cents per one hundred dollars valuation, the revenues from which shall be deposited in a special fund and used only for the pension program of the district?

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this section, but if a majority of the voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Bill No. 390, Pages 3-4, Section 190.044, Lines 1-29, by striking all of said lines and inserting in lieu thereof the following:

"190.044. 1. No taxpayer shall be required to pay property taxes for ground ambulance service to both an ambulance district and a fire protection district which operates a ground ambulance service, unless reaffirmed and authorized pursuant to this section. In the event that a taxpayer in a third class county is paying taxes to both entities to provide ground ambulance service, any taxpayer residing in the area subject to the double tax may file a petition with the county clerk in which the area, or greatest part thereof, is situated requesting that the double tax be eliminated and that the area only pay a tax to one entity.

2. Upon receipt of such petition, the county clerk shall determine the area taxed by two such entities and place the question before the voters of both districts at the next state or municipal election. The petition shall request that the following question be submitted to the voters residing within the geographic limits of both districts:

The (description of area) is currently paying a tax to provide ambulance service to the (name of entity created first) and the (name of entity created second). As a result, shall the tax paid to provide ambulance service to the (name of entity created second) be eliminated?

[] Yes [] No

3. If a majority of the votes cast are in favor of the elimination of the tax levied and collected by the entity providing ambulance service, then the remaining entity will be declared as the single taxing entity for the area in question. The taxpayers within the area shall thereafter only pay one tax to the remaining entity following a three-year period, over which the tax rate levied and collected shall be decreased by one-third each year until such tax is no longer levied or collected by the entity whose tax was proposed for elimination by the petition. If a majority of the votes cast are opposed to the elimination of the tax, then the tax shall be reaffirmed.

4. All costs incurred by the county clerk as a result of this section, including election costs, shall be paid by the entity whose tax was proposed for termination by the petition.

5. The boundaries and service area of the entities providing ambulance service will reflect the change as determined by the election."; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Bill No. 390, Page 32, Section 190.205, Line 1, by deleting the word: "Insurance" and inserting in lieu thereof the following: **"Health insurance"**; and

Further amend said bill, page 32, section 190.205, line 4, by deleting the word: "Insurance" and inserting in lieu thereof the following: **"Health insurance"**; and

Further amend said bill, page 35, section 190.205, line 122, by inserting at the end of said line the following:

"12. The procedures established for the payment of benefits in sections 190.001 to 190.245, RSMo, shall not apply to any benefits covered pursuant to any liability policy or coverage issued as a supplement to any liability policy".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Bill No. 390, Page 57, Section 650.325, Lines 1-9, by striking all of said lines; and

Further amend said bill, Pages 57-60, Section 650.330, Lines 1-78, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Substitute for House Bill No. 390, Page 20, Section 190.105, Lines 147-155, by striking all of said lines; and further amend line 156, by striking "21." and inserting in lieu thereof the following: "**20.**"; and further amend line 157, by striking the word "an" and inserting in lieu thereof the following: "**a non-emergency**".

Senator Schneider moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 6**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Bill No. 390, Page 20, Section 190.105, Lines 147-155, by striking all of said lines; and further amend line 156, by striking "21." and inserting in lieu thereof the following: "**20.**"; and further amend line 159, by striking the word "an" and inserting in lieu thereof the following: "**a non-emergency**"; and

Further amend said bill, Page 38, Section 190.245, Line 15, by inserting immediately after said line the following:

"321.225. 1. A fire protection district may, in addition to its other powers and duties, provide emergency ambulance service within its district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an emergency ambulance service as it does in operating its fire protection service.

2. The proposition to furnish emergency ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board.

3. The question shall be submitted in substantially the following form:

Shall the board of directors of Fire Protection District be authorized to provide emergency ambulance service within the district and be authorized to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to provide funds for such service?

4. If a majority of the voters casting votes thereon be in favor of emergency ambulance service and the levy, the district shall forthwith commence such service.

5. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

6. In addition to all other taxes authorized on or before September 1, 1990, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than forty cents per one hundred dollars of assessed valuation to be used for the support of the ambulance service

or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the Fire Protection District be authorized to levy an additional tax of not more than forty cents per one hundred dollars assessed valuation to provide funds for the support of an ambulance service or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program?

☐ FOR THE PROPOSITION ☐ AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote.) If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

7. Fire protection districts, in a county surrounding a city not within a county, that currently provide emergency ambulance service may, in addition to its other powers and duties, provide primary ambulance service within its district if a majority of the voters voting thereon approve a proposition to furnish such service. The district shall exercise the same powers and duties in operating a primary ambulance service as it does in operating its fire protection service.

8. The proposition to furnish primary ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board.

9. The question shall be submitted in substantially the following form:

Shall the board of directors of Fire Protection District be authorized to provide primary ambulance service to the district.

10. If a majority of the voters casting votes thereon be in favor of primary ambulance service, the district shall forthwith commence such service.

11. As used in this section, "primary" means the regular activity by a qualified ambulance service for the purpose of providing rapid response and pre-hospital emergency and non-emergency services including, without limitation, patient assessment, patient treatment, patient preparation for transport and patient transport to appropriate health care facilities."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above substitute amendment be adopted.

Senator Klarich raised the point of order that **SSA 1** for **SA 6** is out of order in that it is incorrectly drafted on line 3, by referencing the wrong line designation.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Schneider offered **SSA 2** for **SA 6**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Bill No. 390, Page 20, Section 190.105, Lines 147-155, by striking all of said lines; and further amend line 156, by striking "21." and inserting in lieu thereof the following: "**20.**"; and further amend line 157, by striking the word "an" and inserting in lieu thereof the following: "**a non-emergency**"; and

Further amend said bill, Page 38, Section 190.245, Line 15, by inserting immediately after said line the following:

"321.225. 1. A fire protection district may, in addition to its other powers and duties, provide emergency ambulance service within its district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an emergency ambulance service as it does in operating its fire protection service.

2. The proposition to furnish emergency ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board.

3. The question shall be submitted in substantially the following form:

Shall the board of directors of Fire Protection District be authorized to provide emergency ambulance service within the district and be authorized to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to provide funds for such service?

4. If a majority of the voters casting votes thereon be in favor of emergency ambulance service and the levy, the district shall forthwith commence such service.

5. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

6. In addition to all other taxes authorized on or before September 1, 1990, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than forty cents per one hundred dollars of assessed valuation to be used for the support of the ambulance service or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the Fire Protection District be authorized to levy an additional tax of not more than forty cents per one hundred dollars assessed valuation to provide funds for the support of an ambulance service or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program?

[] FOR THE PROPOSITION [] AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote.) If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

7. Fire protection districts, in a county surrounding a city not within a county, that currently provide emergency ambulance service may, in addition to its other powers and duties, provide primary ambulance service within its district if a majority of the voters voting thereon approve a proposition to furnish such service. The district shall exercise the same powers and duties in operating a primary ambulance service as it does in operating its fire protection service.

8. The proposition to furnish primary ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board.

9. The question shall be submitted in substantially the following form:

Shall the board of directors of Fire Protection District be authorized to provide primary ambulance service to the district.

10. If a majority of the voters casting votes thereon be in favor of primary ambulance service, the district shall forthwith commence such service.

11. As used in this section, "primary" means the regular activity by a qualified ambulance service for the purpose of providing rapid response and pre-hospital emergency and non-emergency services including, without limitation, patient assessment, patient treatment, patient preparation for transport and patient transport to appropriate health care facilities."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that **SSA 2** for **SA 6** be adopted.

At the request of Senator Quick, **HS** for **HB 390**, with **SCS**, as amended, **SA 6** and **SSA 2** for **SA 6** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Caskey moved that **HCS** for **HBs 424** and **534**, with **SA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Caskey moved that the Senate recede from its position on **SA 1** and the emergency clause, which motion failed on a standing division vote.

Senator Caskey moved that the Senate refuse to recede from its position on **SA 1** and the emergency clause to **HCS** for **HBs 424** and **534**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Clay moved that the Senate refuse to concur in the House Softball Team's claim of winning the tournament on May 7, 1997, and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, and further, the failure to do so will result in the trophy not being returned, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 722** and has again taken up and passed **HB 722** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HB 711** and has again taken up and passed **SS** for **HB 711**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 802** and has again taken up and passed **SCS** for **HB 802**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 816** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon, and the conferees be allowed to exceed the differences in regard to Section 650.325.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 394** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 142**, as amended, and grants the Senate a conference thereon.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 50**--Agriculture, Conservation, Parks and Tourism.

HB 232--Public Health and Welfare.

HCS for **HBs 508** and **145**--Aging, Families and Mental Health.

HCS for **HB 664**--Ways and Means.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 142**, as amended: Senators DePasco, McKenna, Caskey, Singleton and Mueller.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Karla M. McLucas, as Director of the Department of Labor and Industrial Relations;

Also,

Connie L. Murray, as a member of the Public Service Commission;

Also,

Hope E. Whitehead, as Supervisor of the Division of Liquor Control;

Also,

Reverend Maurice Joseph Nutt, C.Ss.R., Dorsey Alan Baumgartner and Denise Troy Curry, M.D., as members of the State Mental Health Commission;

Also,

Dorothy A. Dunn, Douglas E. Oyer, William C. Prince, Jennie L. Crisp, Carol J. Pastoret and Lynne E. Dresner, as members of the Child Abuse and Neglect Review Board;

Also,

John W. Lenox, as a member of the Central Missouri State University Board of Governors;

Also,

Richard W. Sullivan, Barbara A. Enneking, John Moten, Jr. and Vivian G. Schmidt, as members of the Board of Election Commissioners for St. Louis County;

Also,

Linda F. Mariam, as a member of the St. Charles County Convention and Sports Facilities Authority;

Also,

Lyn C. Konstant, Ph.D., R.D., as a member of the Missouri Head Injury Advisory Council;

Also,

Lenore T. Weldon and Jandra D. Carter, as members of the Board of Probation and Parole.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

On motion of Senator Quick, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 804, regarding WorldCom of Chesterfield, which was adopted.

Senator Flotron offered Senate Resolution No. 805, regarding Dr. Roger Clough, Pattonville, which was adopted.

Senator Klarich offered Senate Resolution No. 806, regarding the West St. Louis County Chamber of Commerce, which was adopted.

Senator House offered Senate Resolution No. 807, regarding Jeff Pauls, which was adopted.

Senator Bentley offered Senate Resolution No. 808, regarding the Ozark Branch, Mid America Chapter of the National Multiple Sclerosis Society, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCA 1; HSA 1 for HCA 2; HA 2; HSA 1 for HA 1 to HSA 1 for HA 3; HSA 1 for HA 3 as amended; HA 4; HA 5; HA 6; to SB 315** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS for HCS for SCS for SB 141**, entitled:

An Act to repeal sections 327.031, 332.311, 334.031, 334.040, 334.100, 334.715, 337.021, 337.035, 338.043, 338.057, 338.059, 338.060, 338.065, 338.070, 338.100, 338.120, 338.130, 338.140, 338.220, 338.365, 339.507, 339.525 and 620.140, RSMo 1994, and sections 331.030, 334.046, 334.655, 334.735, 334.740, 334.745 and 337.020, RSMo Supp. 1996, relating to the division of professional registration, and to enact in lieu thereof sixty-eight new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, by adding the following section:

334.080 1. Every person licensed under the provisions of this chapter shall renew his certificate of registration on or before the registration renewal date. The application shall be made under oath on a form furnished by the board. The application shall include, but not be limited to, disclosure of the following: the applicant's full name and his office and residence address and the date and number of his license; all final disciplinary actions taken against the applicant by any professional medical or osteopathic association or society, licensed hospital or medical staff of the hospital, state, territory federal agency or country; and, information concerning the applicant's current physical and mental fitness to practice as a physician and surgeon.

2. A blank form for application for registration shall be mailed to each person licensed in this state at his last known office or residence address. The failure to receive it does not, however, relieve any person of the duty to register and pay the fee required by the chapter nor exempt him from the penalties provided by this chapter for failure to register.

3. If a person licensed, certified, or registered by the Board of Healing Arts does not renew such license, certification, or registration for two consecutive renewal periods, such license, certification, or registration shall be deemed void.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, Page 61, Section 338.057, Line 3, by inserting after the word "pharmacy." the following: **"The department of health, the state board of registration for the healing arts and the state board of pharmacy shall meet on a semiannual basis to consider information from all interested parties and the Federal Food and Drug Administration Approved Drug Products with Therapeutic Equivalence Evaluations (FDA Orange Book) in making their joint determination. Notice of such meetings shall be published in the Missouri Register."**

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, Page 1, In the Title, Line 11, by deleting the word "sixty-eight" and inserting in lieu thereof the word "sixty-nine"; and

Further amend said bill, Page 2, Section A, Line 1 of said page, by deleting the word "sixty-eight" and inserting in

lieu thereof the word "sixty-nine"; and

Further amend said bill, Page 2, Section A, Line 9 of said page, by deleting the word and number "and 37" and inserting in lieu thereof the following: ", 37 and 38"; and

Further amend said bill, Page 121, Section 37, Line 2 of said page, by inserting after all of said line the following:

"Section 38. Any person performing inspections for evidence of wood destroying insects at the request of the buyer, seller or lending institution for real estate transactions shall have in effect a valid Missouri certified commercial applicator's license, pesticide technician's license working under the direct supervision of a certified commercial applicator, certified noncommercial applicator's license or a certified public operator's license in subcategory 7b-termite pest control issued pursuant to chapter 281, RSMo."

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, Page 117, Section 36, Line 8, by deleting all of said section and inserting in lieu thereof the following:

Section 36. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, Page 57, Section 337.035, Line 1 of said page, by inserting after the word "**person**" the following: "**who is related with the second degree of consanguinity or affinity and**".

In which the concurrence of the Senate is respectfully requested.

CONCURRENT RESOLUTIONS

Senator DePasco moved that **HCR 24** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **HCR 24** was adopted by the following vote:

Yeas--Senators

Caskey	Childers	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson

Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Banks	Bentley	Clay	Staples--4
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Absent with leave--Senators--None

PRIVILEGED MOTIONS

Senator Klarich moved that the Senate refuse to recede from its position on **SCS** for **HB 394** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 394**: Senators Staples, Scott, McKenna, Klarich and Flotron.

HOUSE BILLS ON THIRD READING

Senator Quick moved that **HS** for **HB 390**, with **SCS**, as amended, **SA 6** and **SSA 2** for **SA 6** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 2 for **SA 6** was again taken up.

At the request of Senator Schneider, **SSA 2** for **SA 6** was withdrawn.

SA 6 was again taken up.

Senator Schneider offered **SSA 3** for **SA 6**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 3

FOR SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Bill No. 390, Page 20, Section 190.105, Line 157, by striking the word "an" and inserting in lieu thereof the following: "**a non-emergency**".

Senator Schneider moved that the above substitute amendment be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Quick moved that the vote by which **SA 5** to **HS** for **HB 390** was adopted, be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay	Curls	Ehlmann--3
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Absent with leave--Senators--None

SA 5 was again taken up.

At the request of Senator Quick, the above amendment was withdrawn.

Senator Maxwell offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Bill No. 390, Page 57, Section 650.325, Line 2, by inserting between the quotation mark and the word "Committee" the word "Advisory"; and

Further amend said bill, page 59, Section 650.325, line 64, by adding immediately following the word "services" the words ", however, said committee shall not supercede decision making authority of local political subdivisions in regard to 911 services"; and

Further amend said bill, page 59, Section 650.325, line 63, by immediately adding after the word "provide", the word "requested".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Bill No. 390, Pages 8-9, Section 190.100, Lines 64-77, by striking all of said lines and inserting in lieu thereof the following:

"(10) "Emergency medical condition", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that immediate medical care is required, which may include, but

shall not be limited to:

- (a) Placing the person's health in significant jeopardy;
 - (b) Serious impairment to a bodily function;
 - (c) Serious dysfunction of any bodily organ or part;
 - (d) Inadequately controlled pain; or
 - (e) With respect to a pregnant woman who is having contractions:
 - a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or
 - b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;"
- and

Further amend said bill and section, page 10, lines 115 to 125, by striking all of said lines and inserting in lieu thereof the following:

"(18) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Substitute for House Bill No. 390, Page 18, Section 190.105, Line 75, by inserting after all of said line the following:

"9. The provisions of subsections 7 and 8 of this section shall not apply to any political subdivision that has previously utilized a private ambulance service and such service has been terminated by either the political subdivision or the private ambulance service. Such political subdivision may provide ambulance service at its discretion."; and

Further renumber the remaining subsections accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator McKenna offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Bill No. 390, Page 57, Section 190.247, Line 5, by inserting immediately after all of said line the following:

"321.017. Notwithstanding the provisions of section 321.015, no employee of any fire protection district or ambulance district shall serve as a member of any fire district or ambulance district board while such person is employed by any fire district or ambulance district, except that [an] a salaried employee of a fire protection district or an ambulance district may serve as a member of a voluntary fire protection district board or a voluntary ambulance district board[.]if the salaried employee is engaged in a management position with said district. A management

position shall be deemed the administrator or assistant administrator of an ambulance district or the chief or assistant chief of a fire district."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Quick moved that **SCS** for **HS** for **HB 390**, as amended, be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **HS** for **HB 390**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	DePasco
Flotron	Graves	House	Howard
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Russell	Westfall	Wiggins--19	

Nays--Senators

Bentley	Ehlmann	Goode	Jacob
Klarich	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Staples

Yeckel--13

Absent--Senators

Clay	Curls--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

HB 791, introduced by Representative Stoll, entitled:

An Act to repeal section 493.050, RSMo 1994, relating to publication of legal notices, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator McKenna.

Senator McKenna offered **SS** for **HB 791**, entitled:

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 791

An Act to repeal sections 493.027, 493.030 and 493.050, RSMo 1994, relating to publication of legal notices, and to enact in lieu thereof three new sections relating to the same subject.

Senator McKenna moved that **SS** for **HB 791** be adopted, which motion prevailed.

On motion of Senator McKenna, **SS** for **HB 791**, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--Maxwell--1

Absent--Senators

Clay	Curls	Lybyer--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 331**, with **SCS**, entitled:

An Act to repeal sections 86.260 and 86.267, RSMo 1994, and sections 86.256, 86.280, 86.283 and 86.287, RSMo Supp. 1996, relating to certain police retirement systems, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up by Senator Scott.

SCS for **HCS** for **HB 331**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 331

An Act to repeal sections 86.260, 86.267, 86.387, 86.447, 86.450, 86.453, 86.457, 86.463, 86.467, 86.620, 86.650 and 86.670, RSMo 1994, and sections 86.253, 86.256, 86.370, 86.430, 86.600, 86.630 and 86.672, RSMo Supp. 1996, relating to retirement systems of certain political subdivisions, and to enact in lieu thereof twenty-one new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **HCS** for **HB 331** be adopted.

Senator Quick offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 331, Page 33, Section 86.810, Line 13, by inserting immediately after all of said line the following:

"Section 1. As referred to in sections 92.110 and 92.210 RSMo, the terms salaries, wages, commissions and other compensation shall not include any contributions to any deferred compensation plans, such as but not limited to, any salary reduction plans, cafeteria plans or any other similar plans deferring the receipt of compensation by a resident or non-resident if such contribution is not subject to Missouri State income tax at the time such contribution is made"; and

Further amend said bill, by amending the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **HCS** for **HB 331**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HCS** for **HB 331**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay Curls--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 105, introduced by Representatives Copeland and Gaw, entitled:

An Act to repeal section 163.021, RSMo Supp. 1996, and to enact in lieu thereof one new section for the purpose of permitting school districts in counties which have a nuclear power plant or have an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated by a rural electric cooperative to increase their operating levy.

Was taken up by Senator Lybyer.

President Pro Tem McKenna resumed the Chair.

On motion of Senator Lybyer, **HB 105** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay Ehlmann--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

HCS for HB 459, entitled:

An Act to repeal section 136.055, RSMo 1994, and section 301.030, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Mathewson.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 459, Pages 1-2, Section 136.055, Lines 7-13, by striking all of said lines and inserting in lieu thereof the following:

"(1) For each motor vehicle or trailer license sold, renewed or transferred--[one dollar and fifty cents] **two dollars from the effective date of this act until January 1, 1998; and two dollars and fifty cents beginning January 1, 1998;**

(2) For each application or transfer of title--[one dollar and fifty cents] **two dollars from the effective date of this act until January 1, 1998; and two dollars and fifty cents beginning January 1, 1998;**

(3) For each chauffeur's, operator's or driver's license--two dollars **until January 1, 1998; and two dollars and fifty cents beginning January 1, 1998;**" and

Further amend said bill, Page 2, Section 136.055, Lines 19-21, by striking all of said lines and renumbering the remaining subsections accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 459, Page 3, Section 301.030, Line 39, by adding one new section after said line to read as follows:

"Section 1. Any other provision of the law to the contrary notwithstanding no contractual provision between the department of revenue and its agents which prohibits said agent from employing a lobbyist shall be binding on said agent, and no subsequent contracts shall contain such a provision."

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **HCS for HB 459**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Caskey	Childers	Curls	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Lybyer

Mathewson	Maxwell	McKenna	Quick
Russell	Scott	Staples	Westfall
Wiggins--21			

Nays--Senators

Bentley	Graves	Kenney	Kinder
Klarich	Mueller	Rohrbach	Sims
Singleton	Yeckel--10		

Absent--Senators

Banks	Clay	Schneider--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 32, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HBs 69** and **179** and **HCS** for **HB 669**, with **SCS**, were placed on the Informal Calendar.

HB 129, with **SCA 1**, introduced by Representative Shear, entitled:

An Act to amend chapter 376, RSMo, relating to health insurance by adding thereto one new section relating to the same subject.

Was taken up by Senator Sims.

SCA 1 was taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 129, Page 1, Section 376.1209, Line 9, by striking the following: "and achieve symmetry" and inserting in lieu thereof the following: "**symmetry as recommended by the oncologist or primary care physician.**".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Sims, **HB 129**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay	Flotron--2
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 339, introduced by Representatives Kreider and Crump, entitled:

An Act to amend chapters 491 and 540, RSMo, relating to witnesses by adding thereto two new sections relating to the same subject.

Was taken up by Senator Caskey.

On motion of Senator Caskey, **HB 339**, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Lybyer	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--25			

Nays--Senators

Banks	Curls	Flotron	Jacob
McKenna	Scott--6		

Absent--Senators

Clay	Klarich	Quick--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HBs 87** and **264** was placed on the Informal Calendar.

HCS for **HB 620**, entitled:

An Act to repeal section 392.410, RSMo Supp. 1996, relating to certificate of public convenience and necessity for telecommunications service, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Quick.

Senator Goode offered **SS** for **HCS** for **HB 620**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 620

An Act to repeal section 392.410, RSMo Supp. 1996, relating to certificate of public convenience and necessity for telecommunications service, and to enact in lieu thereof one new section relating to the same subject.

Senator Goode moved that **SS** for **HCS** for **HB 620** be adopted.

At the request of Senator Quick, **HCS** for **HB 620**, with **SS** (pending), was placed on the Informal Calendar.

HS for **HCS** for **HBs 69** and **179** and **HCS** for **HB 669**, with **SCS**, entitled, respectively:

An Act to repeal section 70.820 and 544.170, RSMo 1994, relating to peace officers' arrest powers, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

An Act to repeal section 542.276, RSMo 1994, relating to law enforcement, and to enact in lieu thereof two new sections relating to the same subject.

Were called from the Informal Calendar and taken up by Senator Schneider.

SCS for **HS** for **HCS** for **HBs 69** and **179** and **HCS** for **HB 669**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 69 and 179
AND HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 669

An Act to repeal section 70.820, RSMo 1994, and section 544.157, RSMo Supp. 1996, relating to peace officers' arrest powers, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Schneider moved that **SCS** for **HS** for **HCS** for **HBs 69 and 179** and **HCS** for **HB 669** be adopted.

Senator Russell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 69 and 179 and House Committee Substitute for House Bill No. 669, Page 1, In the Title, Line 4, by deleting the word "two" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, In the Title, Line 5, by inserting after the word "provisions" the following: "and an emergency clause for certain sections"; and

Further amend said bill, Page 5, Section 544.157, Line 57, by inserting after all of said line the following:

"Section B. Chapter 306, RSMo, is amended by adding thereto five new sections, to be known as sections 306.230, 306.232, 306.234, 306.236 and 306.238, to read as follows:

306.230. As used in sections 306.230 to 306.238, the following words shall have the meanings given:

(1) "Lake", any lake included in the definition of waters of the state in section 306.010, RSMo;

(2) "Raft", to anchor, moor, tie, bind or otherwise combine in any way so as to create a single unit; and it shall mean a combination of vessels which has been created as described in this subdivision; but it shall not include any vessel moored at a permanent, permitted dock;

(3) "Vessel", every motorboat and every description of motorized watercraft, excluding any watercraft powered by sail or a combination of sail and machinery.

306.232. 1. No person or persons shall raft together more than twelve vessels on any lake in this state.

2. No raft of vessels shall be located less than three hundred feet from another raft of vessels.

3. No person or persons shall moor, anchor, tie or otherwise position fully or partially on shore more than three vessels in a group in any cove in a lake where such waters are bordered on three sides by state park land. Each such group shall maintain a minimum separation distance of one hundred feet between every other group of vessels. This subsection shall not apply to shoreline immediately adjacent to established and designated camping facilities.

4. Each operator of a vessel in violation of this section is guilty of a class B misdemeanor. If a vessel is unoccupied or otherwise unclaimed by any operator, the owner of the vessel shall be in violation of this section, whether present or not.

5. Any person who violates this section and has previously been found in violation of this section shall be guilty of a class A misdemeanor.

306.234. 1. No person upon a lake shall commit any of the following acts:

(1) Exposure of such person's genitals under circumstances where a reasonable person would believe that such conduct would likely cause affront or alarm; or

(2) Have sexual contact in the presence of a third person or persons under circumstances where a reasonable person would believe that such conduct would likely cause affront or alarm.

2. Any person who violates the provisions of this section is guilty of a class B misdemeanor. A person who violates this section and has been found to have committed a previous violation is guilty of a class A misdemeanor.

3. A violation of this section shall not be considered a sexual offense.

4. A water patrol officer may arrest a person on sight for a violation of this section or section 566.093, RSMo.

306.236. 1. The state water patrol shall have the authority to disperse any raft of vessels where the officer has reason to believe a state law has been violated. Any person failing to disperse within a reasonable period of time shall be guilty of a class C misdemeanor.

2. The state water patrol may request and receive the assistance of a county sheriff or the state highway patrol in enforcing the provisions of sections 306.230 to 306.238.

3. The sheriff of any county bordering a lake shall have the authority to enforce the provisions of chapter 306, RSMo, relating to the safe operation of vessels, the provisions of chapter 195, RSMo, relating to controlled substances, and the provisions of the criminal code upon the lake.

306.238. Any vessel used by or with the permission of its owner in the commission of a felony, or as a site for the commission of a felony, under chapter 195, RSMo, shall be subject to forfeiture under the provisions of sections 513.600 to 513.645, RSMo.

Section C. Because of the need for safety, public decency and the protection of shoreline upon the lakes of this state, the provisions of section B of this act are hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."

Senator Russell moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope and purpose of the bill.

Senator Wiggins resumed the Chair.

The point of order was referred to the President Pro Tem.

At the request of Senator Russell, **SA 1** was withdrawn, rendering the point of order moot.

President Pro Tem McKenna resumed the Chair.

Senator Scott offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 69 and 179 and House Committee Substitute for House Bill No. 669, Page 5, Section 544.157, Line 57, by inserting immediately after all of said line the following:

"Section 1. All causes of action whatsoever against the members of the St. Louis board of police commissioners shall be commenced in the circuit court of the city of St. Louis."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

President Wilson resumed the Chair.

Senator Rohrbach offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 69 and 179 and House Committee Substitute for House Bill No. 669, Page 5, Section 544.167, Line 57, by inserting immediately after all of said line the following:

"Section 1. Any person who is elected to the office of city marshal after January 1, 1997, and has previously served as an elected city marshal for the same city for at least ten years shall not be required to satisfy the minimum training requirements pursuant to the provisions of sections 590.100 to 590.180.

Section B. Because of the need for elected law enforcement officials to carry out the duties of their office, section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and section 1 of this act is hereby declared to be an emergency act within the meaning of the constitution, and section 1 of this act shall be in full force and effect upon its passage and approval.";

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 69 and 179 and House Committee Substitute for House Bill No. 669, Page 1, In the Title, Line 3, by striking the words "peace officers' arrest powers" and inserting in lieu thereof the words "law enforcement"; and

Further amend said bill, Page 3, Section 70.820, Line 69, by inserting immediately after all of said line the following:

"313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money of each wagerer for tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the gambling tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not **enter or attempt to enter an excursion gambling boat or make or attempt to** make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance. **Any person who violates the provisions of this subsection shall be guilty of a class C misdemeanor.**

5. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission."; and

Further amend said bill, Page 5, Section 544.157, Line 57, by inserting immediately after all of said line the following:

"Section 1. 1. The commission may promulgate rules creating a "List of Excluded Persons" to implement the provisions of this subsection. The list may include any person who has been convicted of a crime of moral turpitude or has a notorious or unsavory reputation which would adversely affect public confidence and trust in gaming.

2. Any person barred by the commission from entering an excursion gambling boat or adjacent facilities shall be guilty of a class B misdemeanor if such person enters an excursion gambling boat or its adjacent facilities.

Section 2. For purposes of section 99.460, RSMo, and section 353.130, RSMo, no authority, city, county or urban redevelopment corporation shall have the right to acquire any real property by exercise of its power of eminent domain or use general revenue or other funds acquired by said authority to acquire real property, for the purpose of locating an excursion gambling boat that is licensed or will be licensed pursuant to the provisions of sections 313.800 to 313.850, RSMo, by the Missouri gaming commission."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 69 and 179 and House Committee Substitute for House Bill No. 669, Page 3, Section 70.820, Line 69, by inserting after the word "participating." the following: **"A federal law enforcement officer is a person employed by the United States government who is empowered to effect an arrest with or without a warrant for violation of the United States Code and who is authorized to carry a firearm in the performance of the person's official duties as a federal law enforcement officer."**

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Rohrbach moved that the vote by which **SA 4** was adopted be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves

House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Westfall	Wiggins	Yeckel--28

Nays--Senators--Banks--1

Absent--Senators

Clay	Curls	Lybyer	Scott
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Staples--5

Absent with leave--Senators--None

SA 4 was again taken up.

At the request of Senator Wiggins, the above amendment was withdrawn.

Senator Russell offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 69 and 179 and House Committee Substitute for House Bill No. 669, Page 1, In the Title, Line 4, by deleting the word "two" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, In the Title, Line 5, by inserting after the word "provisions" the following: "and an emergency clause for certain sections"; and

Further amend said bill, Page 5, Section 544.157, Line 57, by inserting after all of said line the following:

"Section B. Chapter 306, RSMo, is amended by adding thereto five new sections, to be known as sections 306.230, 306.232, 306.234, 306.236 and 306.238, to read as follows:

306.230. As used in sections 306.230 to 306.238, the following words shall have the meanings given:

(1) "Lake", any lake included in the definition of waters of the state in section 306.010, RSMo;

(2) "Raft", to anchor, moor, tie, bind or otherwise combine in any way so as to create a single unit; and it shall mean a combination of vessels which has been created as described in this subdivision; but it shall not include any vessel moored at a permanent, permitted dock;

(3) "Vessel", every motorboat and every description of motorized watercraft, excluding any watercraft powered by sail or a combination of sail and machinery.

306.232. 1. No person or persons shall raft together more than twelve vessels on any lake in this state.

2. No raft of vessels shall be located less than three hundred feet from another raft of vessels.

3. No person or persons shall moor, anchor, tie or otherwise position fully or partially on shore more than three vessels in a group in any cove in a lake where such waters are bordered on three sides by state park land. Each such group shall maintain a minimum separation distance of one hundred feet between every other group of vessels. This subsection shall not apply to shoreline immediately adjacent to established and designated camping facilities.

306.234. 1. No person upon a lake shall commit any of the following acts:

(1) Exposure of such person's genitals under circumstances where a reasonable person would believe that such conduct would likely cause affront or alarm; or

(2) Have sexual contact in the presence of a third person or persons under circumstances where a reasonable person would believe that such conduct would likely cause affront or alarm.

2. A water patrol officer may arrest a person on sight for a violation of this section or section 566.093, RSMo.

306.236. 1. The state water patrol shall have the authority to disperse any raft of vessels where the officer has reason to believe a state law has been violated. Any person failing to disperse within a reasonable period of time shall be guilty of a class C misdemeanor.

2. The state water patrol may request and receive the assistance of a county sheriff or the state highway patrol in enforcing the provisions of sections 306.230 to 306.238.

3. The sheriff of any county bordering a lake shall have the authority to enforce the provisions of chapter 306, RSMo, relating to the safe operation of vessels, the provisions of chapter 195, RSMo, relating to controlled substances, and the provisions of the criminal code upon the lake.

Section C. Because of the need for safety, public decency and the protection of shoreline upon the lakes of this state, the provisions of section B of this act are hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."

Senator Russell moved that the above amendment be adopted.

Senator Wiggins raised the point of order that **SA 6** is out of order in that it goes beyond the scope and intent of the original bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Russell, **SA 6** was withdrawn, rendering the point of order moot.

Senator Kinder offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 69 and 179 and House Committee Substitute for House Bill No. 669, Page 5, Section 544.157, Line 57, by inserting immediately after all of said line the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if he knowingly:

(1) Carries concealed upon or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in

section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied school house, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense.

2. Subdivisions (1), (3), (4), (6), (7), (8) and (9) of subsection 1 of this section shall not apply to or affect any of the following:

(1) All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer; [and]

(7) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo[.];

(8) Any peace officer retired from service as a peace officer, including federal, provided such person was, prior to retirement, certified as a peace officer pursuant to chapter 590, RSMo;

(9) Any retired Missouri state court judge; and

(10) Any retired Missouri prosecuting or circuit attorney and their assistants.

3. Subdivisions (1), (5) and (8) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or

upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state.

4. Unlawful use of weapons is a class D felony unless committed under subdivision (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

5. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

6. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Banks raised the point of order that **SA 7** is out of order, as the amendment goes beyond the scope and title of the bill.

Senator Maxwell assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Schneider offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 69 and 179 and House Committee Substitute for House Bill No. 669, Pages 3 to 5, Section 544.157, Lines 1 to 57, by striking all of said section; and further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Russell offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 69 and 179 and House Committee Substitute for House Bill No. 669, Page 5, Section 544.157, Line 57, by inserting after all of said line the following:

"306.230. As used in sections 306.230 to 306.238, the following words shall have the meanings given:

(1) "Lake", any lake included in the definition of waters of the state in section 306.010, RSMo;

(2) "Raft", to anchor, moor, tie, bind or otherwise combine in any way so as to create a single unit; and it shall mean a combination of vessels which has been created as described in this subdivision; but it shall not include any vessel moored at a permanent, permitted dock;

(3) "Vessel", every motorboat and every description of motorized watercraft, excluding any watercraft powered by sail or a combination of sail and machinery.

306.232. 1. No person or persons shall raft together more than twelve vessels on any lake in this state.

2. No raft of vessels shall be located less than three hundred feet from another raft of vessels.

3. No person or persons shall moor, anchor, tie or otherwise position fully or partially on shore more than three vessels in a group in any cove in a lake where such waters are bordered on three sides by state park land. Each such group shall maintain a minimum separation distance of one hundred feet between every other group of vessels. This subsection shall not apply to shoreline immediately adjacent to established and designated camping facilities."; and

Further amend the title and enacting clause accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Schneider moved that **SCS for HS for HCS for HBs 69 and 179 and HCS for HB 669**, as amended, be adopted, which motion prevailed.

Senator Lybyer requested unanimous consent of the Senate for the Committee on Appropriations to meet while the Senate is in session, which request was granted.

On motion of Senator Schneider, **SCS for HS for HCS for HBs 69 and 179 and HCS for HB 669**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Clay	Curls--3
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Caskey	Childers	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--Banks--1

Absent--Senators

Bentley	Clay	Curls--3
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Absent with leave--Senators--None

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

President Wilson resumed the Chair.

HCS for HBs 87 and 264, entitled:

An Act to repeal sections 64.170 and 64.205, RSMo 1994, relating to county building codes, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator House.

Senator Johnson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bills Nos. 87 and 264, Page 2, Section 64.205, Line 2, by inserting after said section the following and amend the title and enacting clause accordingly:

"67.212. The County commission of any county may replace any member on any board over which the

commission has the authority to appoint members for failing without good cause to attend meetings of the board.

67.400. The governing body of any city, town, village, or county [of the first classification and any county of the first class with a charter form of government] may enact orders or ordinances to provide for vacation and the mandatory demolition of buildings and structures or mandatory repair and maintenance of buildings and structures within the corporate limits of the city, town, village or county which are detrimental to the health, safety or welfare of the residents and declared to be a public nuisance."

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bills Nos. 87 and 264, Page 2, Section 64.175, Line 2, by inserting after the words "enforce a" the following: "**a code governing outdoor advertising and**"; and

Further amend said bill and section, line 26, by inserting after said line the following:

"5. Any city that maintains the city engineer or other similar city official shall have the authority to determine the height, spacing and lighting of structures governed by the provisions of section 226.540 RSMo."

Senator Flotron moved that the above amendment be adopted.

Senator House raised the point of order that **SA 2** is out of order in that the amendment exceeds the scope of the bill.

At the request of Senator Flotron, **SA 2** was withdrawn, rendering the point of order moot.

Senator Flotron offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Bills Nos. 87 and 264, Page 2, Section 64.175, Line 26, by inserting after said line the following:

"5. Any city that has a building code shall have the authority to determine the height, spacing and lighting of structures governed by the provisions of section 226.540 RSMo."

Senator Flotron moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 3** is out of order in that it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 3 was again taken up.

Senator Ehlmann offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to House Committee Substitute for House Bills Nos. 87 and 264, Page 1, Section 64.175, Line 10, by adding the following: "Including the billboards on the TWA Dome."

Senator Ehlmann moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 1 to SA 3** is out of order in that the amendment is not germane to the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 to SA 3 was again taken up.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed on a standing division vote.

SA 3, as amended, was again taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Mathewson resumed the Chair.

Senator Westfall offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend House Committee Substitute for House Bills Nos. 87 and 264, Page 2, Section 64.205, Line 2, by inserting after all of said line the following:

"Section 1. The provisions of section 67.400 shall apply to counties of the first and second classification and only those counties of the third classification that have adopted building codes."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted.

At the request of Senator House, **HCS** for **HBs 87 and 264**, with **SA 4** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 6** and has taken up and passed **CCS** for **HB 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 7** and has taken up and passed **CCS** for **HB 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 8** and has taken up and passed **CCS** for **HB 8**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 9** and has taken up and passed **CCS** for **HB 9**.

REPORTS OF STANDING COMMITTEES

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 18**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 19**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 19, Page 1, Section 19.090, Line 2, by deleting said line and inserting in lieu thereof the following:

"For the Division of Environmental Quality".

President Pro Tem McKenna resumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on SCS for HCS for **HB 6**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 6

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended, and that the House recede from its position on House Committee Substitute for House Bill No. 6, as amended, and the Conference Committee Substitute for House Bill No. 6, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheile Lumpe

/s/ Harry Wiggins /s/ Deleta Williams

/s/ Wayne Goode /s/ Phil Tate

/s/ John T. Russell /s/ Bonnie Sue Cooper

/s/ Marvin Singleton /s/ J. E. Graham

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode

Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Childers	Clay--2
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Absent with leave--Senators--None

On motion of Senator Lybyer, **CCS** for **HB 6**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Goode	Graves
Howard	Jacob	Johnson	Kinder
Lybyer	Mathewson	Maxwell	Quick
Rohrbach	Russell	Scott	Singleton
Staples	Westfall	Wiggins--23	

Nays--Senators

Ehlmann	Flotron	House	Kenney
Klarich	McKenna	Mueller	Schneider
Sims	Yeckel--10		

Absent--Senators--Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 7**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 7

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, as amended, and that the House recede from its position on House Committee Substitute for House Bill No. 7, as amended, and the Conference Committee Substitute for House Bill No. 7, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Deleta Williams

/s/ Wayne Goode /s/ Phil Tate

/s/ John T. Russell /s/ Bonnie Sue Cooper

/s/ Marvin Singleton /s/ Emmy McClelland

Senator Lybyer moved that the above conference committee report be adopted.

Senator Mueller offered a substitute motion that the Senate refuse to adopt the conference committee report on **SCS** for **HCS** for **HB 7** and request the House to grant further conference, which motion failed.

Senator Lybyer moved that the conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder

Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins--31	

Nays--Senators

Mueller	Yeckel--2
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Absent--Senators--Clay--1

Absent with leave--Senators--None

On motion of Senator Lybyer, **CCS** for **HB 7**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins--30		

Nays--Senators

Mueller	Yeckel--2
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Absent--Senators

Clay	Staples--2
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on SCS for HCS for HB 8, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 8

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, as amended, and that the House recede from its position on House Committee Substitute for House Bill No. 8, as amended, and the Conference Committee Substitute for House Bill No. 8, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Deleta Williams

/s/ Wayne Goode /s/ Richard Franklin

/s/ John T. Russell /s/ Bonnie Sue Cooper

/s/ Marvin Singleton /s/ Charlie Shields

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay Curls--2

Absent with leave--Senators--None

On motion of Senator Lybyer, **CCS** for **HB 8**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay Curls--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 9**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 9

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the House recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, as amended, and that the House recede from its position on House Committee Substitute for House Bill No. 9, and the Conference Committee Substitute for House Bill No. 9, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Deleta Williams

/s/ Wayne Goode /s/ Scott Lakin

/s/ John T. Russell /s/ Pat Kelly

/s/ Marvin Singleton /s/ Rich Chrismer

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay Curls--2

Absent with leave--Senators--None

On motion of Senator Lybyer, **CCS** for **HB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay Curls--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 809, regarding the death of Coy L. Breuer, Jefferson City, which was adopted.

Senator Flotron offered Senate Resolution No. 810, regarding Mr. Glennon L. Bourbon, Maryland Heights, which was adopted.

Senator Schneider offered Senate Resolution No. 811, regarding the Child Care Program and Child Development Laboratory Center at St. Louis Community College at Florissant Valley, which was adopted.

Senator Maxwell offered Senate Resolution No. 812, regarding Mr. Nelson J. Glasgow, Arbela, which was adopted.

Senators Mueller, Banks, Flotron, Goode, Russell, Schneider, Scott and Westfall offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 813

WHEREAS, it is always a sad and solemn occasion when the members of the Missouri Senate pause to honor the memory of an individual who had rendered invaluable service to his fellow citizens through effective leadership in the legislative branch of state government; and

WHEREAS, the Honorable R. J. "Bus" King, former member of the Missouri House of Representatives, passed to his eternal reward on April 19, 1997, leaving a legacy rich in achievement as a dedicated and respected public servant; and

WHEREAS, a native of St. Clair who was educated at the University of Missouri-Columbia, Mr. King had enjoyed a long, productive, and successful career in the Missouri General Assembly, where he was representative from Franklin County from 1943 to 1949 and representative from St. Louis County from 1958 to 1972; and

WHEREAS, one of the most knowledgeable people in state government, Mr. King had enjoyed the honor, privilege, and distinction of being elected to serve as Republican Majority Floor Leader in 1948, and as Republican Minority Floor Leader from 1967 - 1970, positions in which he had given untiringly of himself for the overall good of the state; and

WHEREAS, during his tenure as a state legislator, Mr. King served on a variety of important committees, a few of which include Appropriations; Insurance; Banks and Banking; Commerce; Municipal Corporations; Roads and Highways; and Criminal Jurisprudence; and

WHEREAS, Mr. King's influence in the political arena was marked by his leadership as president of the Franklin County Young Republican Club, director of the 1948 Republican State Campaign, and president of the Missouri Association of Republicans; and

WHEREAS, Mr. King was an insurance broker who played an active role in civic affairs through membership on the Board of Directors of the St. Louis Blues Hockey Club, the Advisory Board of Incarnate Word Hospital, and the Advisory Board of Cardinal Glennon Hospital:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, pause in a moment of silence to reflect upon the lifetime accomplishments of former State Representative R. J. "Bus" King, to express appreciation for his longtime service, and to extend condolences to his wife, Cecelia, and to their children, grandchildren, and great-grandchildren at this difficult period of sorrow and loss; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the King family.

PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate refuse to recede from its position on **SCS** for **HB 816** and grant the House a conference and that the conferees be allowed to exceed the differences in Section 650.325, which motion prevailed.

Senator Bentley, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 241**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 241

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 241, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 241, with House Amendment No. 1;
2. That the Senate recede from its position on Senate Bill No. 241;
3. That the Conference Committee Substitute for House Committee Substitute for Senate Bill No. 241 be truly

agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Ed Quick /s/ Craig Hosmer

/s/ Jim Mathewson /s/ Mike Schilling

/s/ William P.McKenna Louis Ford

/s/ Roseann Bentley /s/ Jon Dolan

/s/ Larry Rohrbach /s/ Chuck Wooten

Senator Bentley moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay Jacob--2

Absent with leave--Senators--None

On motion of Senator Bentley, **CCS** for **HCS** for **SB 241**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 241

An Act to repeal sections 137.021 and 137.555, RSMo 1994, and section 137.016, RSMo Supp. 1996, relating to certain tax levies on property, and to enact in lieu thereof three new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay Jacob--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 814

WHEREAS, Tyler Rhoads and John Broker, students at Helias High School in Jefferson City, recently distinguished themselves among a great many of their peers by attaining a First Place finish in the category of Duet Acting at the Missouri State High School Activities Association's Speech and Debate Championship held on April 26, 1997; and

WHEREAS, while engaged in competition with some of the top young dramatists in the state, Tyler Rhoads and John Broker earned First Place honors in their category by giving a memorable performance of "The Complete Works of William Shakespeare - Abridged" by RSC Reduced Shakespeare Company, a ten-minute duet acting play that takes a humorous, slap-stick look at some of Shakespeare's better-known works; and

WHEREAS, during the state competition held on the campus of the University of Missouri - Columbia, John Broker also competed and placed Eighth in the category of Humorous Interpretation; and

WHEREAS, in winning this impressive state title, Tyler Rhoads, a sophomore, and John Broker, a senior, have given Helias High School its first championship in any category of the MSHSAA finals; and

WHEREAS, Tyler and John's outstanding performance in the state finals highlights an enviable record of achievement that also includes first place honors in the district competition held last month at Jefferson City High School and numerous other awards in connection with their acting abilities; and

WHEREAS, Tyler, the son of Mark and Kristi Rhoads of Jefferson City, and John, the son of Michael and Loretta Broker of Lohman, are also widely recognized for their musical abilities which include performances in concert choirs, talent shows, bands, and other musical forums; and

WHEREAS, Tyler and John have appeared in performances for ACTPAC, Little Theatre, and Helias school plays:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, hereby join unanimously in commending and applauding Tyler Rhoads and John Broker for their admirable achievements which have earned them the respect and esteem of their fellow students and their entire community, and further extend to them our very best wishes for continued success; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Tyler Rhoads and John Broker, as a measure of our esteem for them.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SB 315**, as amended: Senators Staples, Lybyer, Caskey, Graves and Yeckel.

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **HBs 424** and **534**, as amended: Senators Caskey, Mathewson, Maxwell, Klarich and Graves.

REPORTS OF STANDING COMMITTEES

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HS** for **HCS** for **HB 361**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1997

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 310 entitled:

"AN ACT"

To repeal section 177.091, RSMo 1994, relating to the sale of school property, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

On May 7, 1997, I approved said Senate Bill No. 310.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Dale and Tyler Eckhoff, Windsor; and Billie Vanslyke, Jefferson City; and Tyler was made an honorary page.

Senator Rohrbach introduced to the Senate, Paulo Sergio Camolesi, Solange Fonseca Zamith, Demerval Nardi Martins, Wagner Rodrigues Lozano and Sergio Castro de Almeida, Brazil; and Barbara Newman, Jefferson City.

Senator McKenna introduced to the Senate, Earlene and John Judd, St. Louis.

Senator Wiggins introduced to the Senate, eighty students from Boone Elementary School, South Kansas City.

Senator Flotron introduced to the Senate, Judson and Anne Reed, and Alex Ashton; and Alex was made an honorary page.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Friday, May 9, 1997.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SEVENTH DAY--FRIDAY, MAY 9, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Harry Truman said, "The White House is the finest prison in the world." Lord, we know that our state capitol can also be a prison. We are thankful for those who are willing to give of their time to serve others. We pray that You will be with them to give them strength and comfort. Help us to give in order that others might receive. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Sims moved that **SCR 25**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Sims, **SCR 25**, as amended, was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Childers	DePasco
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--27	

Nays--Senators--None

Absent--Senators

Bentley	Clay	Curls	Ehlmann
Jacob	Maxwell	Schneider--7	

Absent with leave--Senators--None

HOUSE BILLS ON THIRD READING

HB 13, with **SCS**, introduced by Representative Lumpe, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1997, and ending June 30, 1998.

Was taken up by Senator Lybyer.

SCS for **HB 13**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1997, and ending June 30, 1998.

Was taken up.

Senator Lybyer moved that **SCS** for **HB 13** be adopted.

Senator Lybyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 13, Page 3, Section 13.020, Line 2, by deleting on said line "General Revenue" and inserting in lieu thereof the following:

"General Revenue Fund"; and

Further amend said bill, page 3, Section 13.025, line 7, by deleting on said line "General Revenue Fund" and inserting in lieu thereof the following:

"From Office of Administration Revolving Administrative Trust Fund"; and

Further amend said bill, page 4, Section 13.040, line 3, by deleting all of said line and inserting in lieu thereof the following:

"For the payment of real property leases, related services, utilities, and"; and

Further amend said bill, page 5, Section 13.045, line 7, by deleting on said line "General Revenue" and inserting in lieu thereof the following:

"General Revenue Fund".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HB 13**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HB 13**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	DePasco
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28

Nays--Senators--None

Absent--Senators

Bentley	Clay	Curls	Ehlmann
Jacob	Maxwell--6		

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 15, with **SCA 1**, introduced by Representative Lumpe, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 1997, and ending June 30, 1999.

Was taken up by Senator Lybyer.

SCA 1 was taken up.

Senator Lybyer offered **SSA 1** for **SCA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 15, Page 32, Section 15.222, by inserting immediately after said section the following:

"Section 15.224. To the Department of Natural Resources

For the Division of Environmental Quality

For the purchase of land, building of

facilities, and the purchase of the equipment

necessary to implement the motor vehicle

emissions inspection program; provided,

however, that funds appropriated herein

shall be administered under the oversight of a

committee composed of three members of the

House of Representatives appointed by the

Speaker with no more than two members from

any party, three members of the Senate

appointed by the President Pro Tem with no

more than two members from any party and

the Director of the Department of Natural
Resources or his designee

Representing expenditures originally authorized

under the provisions of House Bill Section
1023.116, an Act of the 87th General
Assembly, Second Regular Session and most
recently authorized under the provisions of
House Bill Section 15.292, an Act of the 88th
General Assembly, First Regular Session

From Federal and Other Funds \$1 E"; and

Further amend said bill, page 47, section 15.330, by deleting said section in its entirety; and

Further amend said bill, page 75, section 15.490, by inserting immediately after said section the following:

"Section 15.492. To the Department of Natural Resources

For the Division of Environmental Quality

For the purpose of funding a motor vehicle

emissions program provided, however, that
funds appropriated herein shall be
administered under the oversight of a
committee composed of three members of the
House of Representatives appointed by the
Speaker with no more than two members
from any party, three members of the Senate
appointed by the President Pro Tem with no
more than two members from any party and
the Director of the Department of Natural
Resources or his designee

Expense and Equipment

Representing expenditures originally authorized

under the provisions of House Bill Section

1006.322, and Act of the 88th General

Assembly, Second Regular Session

From Missouri Air Pollution Control Fund,

Federal Funds, and Other Funds, **excluding**

General Revenue \$388,000";

And further amend said bill, page 14, section 15.100, line 5, by deleting the number "5,153,059" and inserting in lieu thereof the number "453,059"; and further amend said section line 12, by deleting the number "7,740,781" and inserting in lieu thereof the number "3,040,781".

Senator Lybyer moved that the above substitute amendment be adopted, which motion prevailed.

On motion of Senator Lybyer, **HB 15**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Flotron
Goode	Graves	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins--30		

Nays--Senators

Ehlmann	House	Mueller	Yeckel--4
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Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 16, introduced by Representative Lumpe, entitled:

An Act to appropriate money for capital improvement and economic development projects for the several

departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

Was taken up by Senator Lybyer.

On motion of Senator Lybyer, **HB 16** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Flotron	Howard--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 17, with **SCA 1**, introduced by Representative Lumpe, entitled:

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification and renovation of facility components, equipment or systems, and to transfer money among certain funds.

Was taken up by Senator Lybyer.

SCA 1 was taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lybyer, **HB 17**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 19, with **SCA 1**, introduced by Representative Lumpe, entitled:

An Act to authorize the commencement of certain projects to be funded from the Third State Building Fund and the Third State Building Trust Fund pursuant to Article III, Section 37(d) of the Constitution of the State of Missouri and Section 8.275 RSMo.

Was taken up by Senator Lybyer.

SCA 1 was taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lybyer, **HB 19**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell

McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Banks Schneider--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 589**, with **SCS**, entitled:

An Act to repeal sections 99.340, 99.805, 99.810, 99.820, 99.825, 99.830, 99.835, 99.845 and 99.865, RSMo 1994, relating to real property tax increment allocation redevelopment, and to enact in lieu thereof ten new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Mathewson.

SCS for **HCS** for **HB 589**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 589

An Act to repeal sections 99.340, 99.805, 99.810, 99.820, 99.825, 99.830, 99.835, 99.845 and 99.865, RSMo 1994, relating to real property tax increment allocation redevelopment, and to enact in lieu thereof ten new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **HCS** for **HB 589** be adopted.

Senator Mathewson offered **SS** for **SCS** for **HCS** for **HB 589**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 589

An Act to repeal sections 99.340, 99.805, 99.810, 99.820, 99.825, 99.830, 99.835, 99.845 and 99.865, RSMo 1994, relating to real property tax increment allocation redevelopment, and to enact in lieu thereof eleven new sections relating to the same subject.

Senator Mathewson moved that **SS** for **SCS** for **HCS** for **HB 589** be adopted.

Senator Wiggins assumed the Chair.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 589, Page 34, Section 99.865, Line 2 of said page, by inserting immediately after said line the following:

"100.840. 1. To provide funds for the present payment of the costs of economic development projects, the board may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement. The total amount of outstanding certificates sold by the board shall not exceed [thirty-five] **fifty** million dollars. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board, and may bear interest at such rate or rates as the board shall determine, notwithstanding the provisions of section 108.170, RSMo, to the contrary. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater or lesser principal amount of certificates and may bear a higher, lower or equivalent rate of interest than the certificates being renewed or refunded.

3. The board shall determine if revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

4. Certificates issued pursuant to this section shall not be deemed to be an indebtedness of the state or the board or of any political subdivision of the state."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Johnson offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 589, Page 27, Section 99.845, Lines 4-28, by striking all of said lines; and

Further amend said bill and section, page 28, lines 1-25, by striking all of said lines and inserting in lieu thereof the following:

"4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects

approved by ordinance after August 31, 1991, up to fifty percent of all net new revenues from state sales taxes pursuant to section 144.020, RSMo, shall be collected by the department of revenue and placed in a separate account. According to rules promulgated by the department of revenue pursuant to section 536.024, RSMo, the department of revenue shall rebate such revenues to the treasurer or other designated financial officer of the municipality who shall deposit such funds into a separate, segregated account within the special allocation fund established pursuant to section 99.805. This account shall be separate from the account into which payments in lieu of taxes are deposited and separate from the account into which economic activity taxes are deposited. Excluded are sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund pursuant to section 144.701, and sales and use taxes on motor vehicles, trailers, boats and outboard motors. Such deposits shall be in addition to payments in lieu of taxes and economic activity taxes described in subsections 1, 2, and 3 of this section. The net new revenues from state sales taxes shall be separated according to businesses located within the redevelopment area as identified by the municipality. The calculation of net new revenues from state sales taxes shall be based upon the taxable, retail sales within the redevelopment area over and above taxable, retail sales which occurred within the redevelopment area in the calendar year immediately preceding the utilization of the provisions of this subsections. For all redevelopment plans or projects adopted after the effective date of this act, net new revenues from state sales taxes shall not be rebated or deposited into the special allocation account unless the municipality's redevelopment plan provides that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect for a redevelopment project.

5. (1) Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after the effective date of this act, up to one hundred percent of all net new revenues from state sales taxes pursuant to section 144.020, RSMo, which are collected in any city with a population in excess of four hundred thousand inhabitants as of the last decennial census, or in any county with a population of between fifty thousand and one hundred thousand inhabitants which contains a part of a city with a population of over four hundred thousand inhabitants, shall be collected by the department of revenue and placed in a separate account. The provisions of this subsection shall apply exclusively to projects relating to car race track activities classified in SIC 7944 which include redevelopment project costs in excess of one hundred million dollars and which are located within a state enterprise zone. According to rules promulgated by the department of revenue pursuant to section 536.024, RSMo, the department of revenue shall rebate such revenues to the treasurer or other designated financial officer of the municipality who shall deposit such funds into a separate, segregated account within the special allocation fund established pursuant to section 99.805. This account shall be separate from the account into which payments in lieu of taxes are deposited and separate from the account into which economic activity taxes are deposited. Excluded are sales taxes than are constitutionally dedicated, taxes deposited to the school district trust fund pursuant to section 144.701, RSMo, and sales and use taxes on motor vehicles, trailers, boats and outboard motors. Such deposits shall be in addition to payments in lieu of taxes and economic activity taxes as described in subsections 1, 2 and 3 of this section. The net new revenues from state sales taxes shall be separated according to businesses located within the redevelopment area as identified by the municipality. The calculation of net new revenues from state sales taxes shall be based upon the taxable, retail sales within a city with a population of over four hundred thousand inhabitants as of the last decennial census and within a county with a population between fifty thousand and one hundred thousand inhabitants which contains a part of a city with a population of over four hundred thousand inhabitants over and above the taxable retail sales which occurred in said cities and counties, in the calendar year immediately preceding the utilization of the provisions of this subsection. For all redevelopment plans or projects adopted after the effective date of this act, net new revenues from state sales taxes shall not be rebated or deposited into the special allocation account unless the municipality's redevelopment plan provides that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect for a redevelopment project.

(2) The amount of net new revenues from state sales taxes, as provided for in subdivision (1) of this subsection, shall not be rebated and deposited into the special allocation fund if they exceed the amount approved in the application made and approved by the department of economic development pursuant to subsection 7 of this section. The provisions of this subsection shall not apply to any redevelopment project for which the estimated fiscal benefits of the project, as determined by the department of economic development in its review of such

application, do not exceed the estimated costs for the state and affected political subdivisions. The provisions of this subsection shall not apply in redevelopment areas located within any city with a population of over four hundred thousand inhabitants where the provisions of subsection 4 of this section are applicable or may become applicable at a future date."; and

Further amend said bill, page 29, section 99.845, line 7, by deleting all of said line and inserting in lieu thereof the following: **"7. The rebate of up to fifty percent of all net new revenues"**; and

Further amend said bill, page 30, section 99.845, line 8, by deleting the word "tax" and inserting in lieu thereof the following **"rebate of net new revenues from state sales taxes"**; and

Further amend said bill, page 30, section 99.845, line 19, by inserting immediately after said line the following: **"However, net new revenues from state sales taxes which are collected by the department of revenue pursuant to subsection 5 of this section, and which are in excess of the amount approved by the director of the department of economic development for eligible project costs, shall revert to the state's general revenue fund."**

Senator Johnson moved that the above amendment be adopted, which motion failed on a standing division vote.

President Wilson assumed the Chair.

Senator Wiggins resumed the Chair.

Senator Mathewson offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 589, Page 15, Section 99.810, Line 13 of said page, by striking the brackets around the word "shall" and striking the word "may"; and

Further amend said bill, page 29, section 99.845, line 7, by inserting immediately after the word "of" as it first appears the following: **"up to"**; and

Further amend said bill, Page 30, Section 99.845, Line 2 of said page, by striking all of said line and inserting in lieu thereof the following: **"county of the first classification without a charter form of government which contains part of a city in excess of three hundred fifty"**; and

Further amend said bill, Page 30, Section 99.845, Line 8 of said page, by striking the word "tax" and inserting in lieu thereof the word **"rebate"**.

Senator Mathewson moved that the above amendment be adopted.

Senator Mathewson offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 589, Page 1, by adding the following before line 1 of Senate Amendment No. 3: "Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 589, Page 15, Section 99.820, Lines 11 and 12, by deleting all the underlined words on said lines."

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

At the request of Senator Mathewson, **SA 3**, as amended, was withdrawn.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 589, Page 3, Section 99.805, Lines 11-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 4, lines 1-5 of said page, by striking all of said lines and renumbering the remaining subdivisions accordingly; and

Further amend said bill and section, page 7, line 28 of said page, by striking all of said line; and

Further amend said bill and section, page 8, lines 1-5 of said page, by striking all of said lines and inserting in lieu thereof the following: "**or its commission which contains a separate segregated account for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited;**"; and

Further amend said bill, page 12, section 99.820, line 28 of said page, by striking all of said line; and

Further amend said bill and section, page 13, lines 1-10 of said page, by striking all of said lines and inserting in lieu thereof the following:

"(b) Surplus revenues, other than payments in lieu of taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;"; and

Further amend said bill, page 27, section 99.845, lines 4-28 of said page, by striking all of said lines; and

Further amend said bill and section, pages 28-29, lines 1-28 of both pages, by striking all of said lines; and

Further amend said bill and section, page 30, lines 1-19 of said page, by striking all of said lines and inserting in lieu thereof the following:

"4. The cost-benefit analysis required by section 99.810 includes a fiscal impact study upon the state of Missouri."; and

Further amend said bill, page 31, section 99.865, lines 19-23 of said page, by striking all of said lines and renumbering the remaining subdivisions accordingly.

Senator Goode moved that the above amendment be adopted.

At the request of Senator Mathewson, **HCS** for **HB 589**, with **SCS**, **SS** for **SCS**, as amended, and **SA 4** (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 816**: Senators Mathewson, Howard, Lybyer, Singleton and Childers.

REFERRALS

President Pro Tem McKenna referred **HS** for **HCS** for **HB 361**, with **SCS**, to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HCS** for **HB 214**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Quick, the Senate recessed until 1:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

HOUSE BILLS ON THIRD READING

Senator Mathewson moved that **HCS** for **HB 589**, with **SCS** and **SS** for **SCS**, as amended, and **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 4 was again taken up.

President Wilson resumed the Chair.

Senator Ehlmann offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 589, Page 1, Section 99.805, Line 18, by adding after the letter "(b)", the following: "All".

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Jacob, Rohrbach, Russell and Goode.

SA 1 to **SA 4** failed of adoption by the following vote:

Yeas--Senators

Ehlmann	Flotron	Kenney	Kinder
Klarich	Mueller	Rohrbach	Schneider
Singleton--9			

Nays--Senators

Caskey	Childers	Clay	DePasco
Goode	House	Howard	Jacob
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Quick	Russell	Scott
Sims	Staples	Westfall	Wiggins
Yeckel--21			

Absent--Senators

Banks Bentley Curls Graves--4

Absent with leave--Senators--None

SA 4 was again taken up.

Senator Mathewson requested a roll call vote be taken on **SA 4** and was joined in his request by Senators Ehlmann, Singleton, Goode and Staples.

SA 4 was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Ehlmann
Flotron	Goode	Graves	Jacob
Kinder	Klarich	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Westfall--18		

Nays--Senators

Caskey	Childers	Curls	DePasco
House	Howard	Johnson	Kenney
Lybyer	Mathewson	Maxwell	McKenna
Scott	Staples	Wiggins	Yeckel--16

Absent--Senators--None

Absent with leave--Senators--None

At the request of Senator Mathewson, **HCS** for **HB 589**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

President Pro Tem McKenna resumed the Chair.

At the request of Senator Quick, **HCS** for **HB 276**, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HB 738**, with **SCS**, entitled:

An Act to repeal sections 565.024 and 577.023, RSMo 1994, and sections 302.302, 302.309, 302.505, 302.545, 304.012, 577.020 and 577.041, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up by Senator Caskey.

SCS for **HS** for **HCS** for **HB 738**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 738

An Act to repeal sections 301.160, 302.291, 302.292, 303.024, 303.025, 303.026, 303.030, 303.043, 565.024 and 577.023, RSMo 1994, and sections 302.302, 302.309, 302.505, 302.541, 302.545, 304.012, 577.020, 577.041, 610.122 and 610.123, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof twenty-three new sections relating to the same subject, with penalty provisions and an effective date for certain sections and an emergency clause for certain sections.

Was taken up.

Senator Caskey moved that **SCS** for **HS** for **HCS** for **HB 738** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 19, Section 565.024, Lines 1-7, by deleting all of section 565.024; and further amend said bill, page 29, section 1, lines 1-7, by deleting all of "section 1"; and further amend said bill; page 29, Section 2, line 1, by deleting on line 1 the following: "Section 2", and inserting in lieu thereof the following: "Section 1"; and further amend said bill, page 29, Section 3, line 1, by deleting on line 1 the following: "Section 3", and inserting in lieu thereof the following "Section 2"; and further amend said bill, by amending the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 27, Section 610.122.3, Lines 32-33, by deleting on said lines the following: "the civil division of the circuit court in the county where the arrest occurred"; and inserting in lieu thereof the following: "all law enforcement agencies"; and further amend said bill, page 27, section 610.122.3, line 36, by inserting after the word "arrest" the following: ", and the subject has not been convicted of any other felony during the fifteen-year period".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House bill No. 738, Page 19, Section 304.012, Line 12, by inserting immediately after said line the following:

"304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer of a government agency where that agency's real property is concerned, may authorize a towing company to remove to a place of safety:

(1) Any abandoned property on the right-of-way of:

- (a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours;
 - (b) Any interstate highway or freeway outside of an urbanized area, left unattended for forty-eight hours;
 - (c) Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or
 - (d) Any state highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than forty-eight hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;
- (2) Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal;
 - (3) Any abandoned property which has been abandoned under section 577.080, RSMo;
 - (4) Any abandoned property which has been reported as stolen or taken without consent of the owner;
 - (5) Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal;
 - (6) Any abandoned property which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations;
 - (7) Any abandoned property left unattended in violation of a state law or local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard; or
 - (8) Any abandoned property illegally left standing on the waters of this state as defined in section 306.010, RSMo, where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten hours or floating loose on the water.

2. The state highways and transportation department may immediately remove any abandoned, unattended, wrecked, burned or partially dismantled property, spilled cargo or other personal property from the roadway of any state highway if the abandoned property, cargo or personal property is creating a traffic hazard because of its position in relation to the state highway. In the event the property creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, RSMo, the department's authority under this subsection shall be limited to authorizing a towing company to remove the commercial motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or the owner's designated representative shall have a reasonable opportunity to contact a towing company of choice. The provisions of this subsection shall not apply to vehicles transporting any material which has been designated as hazardous under section 5103(a) of Title 49, U.S.C.

3. Any law enforcement agency authorizing a tow under this section in which the abandoned property is moved from the immediate vicinity shall complete a crime inquiry and inspection report. Any state or federal government agency other than a law enforcement agency authorizing a tow under this section in which the abandoned property is moved away from the immediate vicinity in which it was abandoned shall report the towing to the state highway patrol or water patrol within [one hour] **two hours** of the tow along with a [description of the abandoned property sufficient to make a criminal] **crime inquiry and inspection report** as required in this section. **Any local government agency, other than a law enforcement agency, authorizing a tow under this section where property is towed away from the immediate vicinity shall report the tow to the local law enforcement agency within two hours along with a crime inquiry and inspection report.**

4. Neither the law enforcement officer, **government agency official** nor anyone having custody of abandoned

property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section or by ordinance of a county or municipality licensing and regulating the sale of abandoned property by the municipality, other than damages occasioned by negligence or by willful or wanton acts or omissions.

5. The owner of abandoned property removed as provided in this section or in section 304.157 shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in section 304.158.

6. Upon the towing of any abandoned property under this section or **under authority of a law enforcement officer or local government agency under** section 304.157, the law enforcement agency that authorized such towing or was properly notified **by another government agency** of such towing shall **promptly** make an inquiry with the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. **If the abandoned property is not claimed within ten working days of the towing, the law enforcement agency shall submit a crime inquiry and inspection report to the director of revenue[, on any unclaimed abandoned property, within ten working days of the towing of the abandoned property]. A towing company in possession of abandoned property after ten working days shall report such fact to the law enforcement agency with which the crime inquiry and inspection report was filed.** The crime inquiry and inspection report shall be **designed by the director of revenue and shall** include the following:

(1) The year, model, make and property identification number of the property **and the owner and any lienholders, if known;**

(2) A description of any damage to the property noted by the [law enforcement] officer **authorizing the tow;**

(3) The license plate or registration number and the state of issuance, if available;

(4) The storage location of the towed property;

(5) The name, telephone number and address of the towing company;

(6) The date, place and reason for the towing of the abandoned property;

(7) The date of the inquiry of the national crime information center, any statewide Missouri law enforcement computer system and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. **This information shall be entered only by the law enforcement agency making the inquiry;**

(8) The signature and printed name of the [law enforcement] officer **authorizing the tow** and the towing operator; and

(9) Any additional information the director of revenue deems appropriate.

[7. The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms will be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.]

[8.] **7.** One copy of the crime inquiry and inspection report shall remain with the agency which authorized the tow. One copy shall be provided to and retained by the storage facility and one copy shall be retained by the towing facility in an accessible format in the business records for a period of three years from the date of the tow or removal.

[9.] **8.** The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges

for the towing and storage of the abandoned property.

[10.] **9.** Any person who removes abandoned property at the direction of a law enforcement officer or an officer of a government agency where that agency's real property is concerned as provided in this section shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid security interest of record. Any personal property within the abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the abandoned property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the property shall be strictly liable for the condition and safe return of the personal property. Such lien shall be enforced in the manner provided under section 304.156.

[11.] **10.** Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain [a copy of the law enforcement officer's] **information regarding the** authorization to tow, copies of all correspondence with the department of revenue concerning the abandoned property, and information concerning the final disposition of the possession of the abandoned property.

[12.] **11.** If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel [by having such property towed] **without the knowledge or cooperation of the owner**, then the [towing company and the lienholder] **repossessor** shall notify the [Missouri state highway patrol of such tow within one hour] **local law enforcement agency where the repossession occurred within two hours** of the [tow being made] **repossession** and shall further provide the [patrol] **local law enforcement agency** with any additional information the [patrol] **agency** deems appropriate. **The local law enforcement agency shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.**

304.156. 1. Within five working days of receipt of the crime inquiry and inspection report under section 304.155 or the abandoned property report under section 304.157, the director of revenue shall search the records of the department of revenue, or initiate an inquiry with another state, if the evidence presented indicated the abandoned property was registered or titled in another state, to determine the name and address of the owner [and/or] **and** lienholder, if any. After ascertaining the name and address of the owner [and/or] **and** lienholder, if any, the department shall, within fifteen working days, notify the towing company [and owner or lienholder]. Any towing company which comes into possession of abandoned property pursuant to section 304.155 or 304.157 and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the department of revenue or of a corresponding agency in any other state. The towing company shall notify the owner [and/or] **and any** lienholder within ten business days of the date of mailing indicated on the notice sent by the department of revenue, by certified mail, return receipt requested. The notice shall contain the following:

(1) The name, address and telephone number of the storage facility;

(2) The date, reason and place from which the abandoned property was removed;

(3) A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;

(4) A statement that the storage firm claims a possessory lien for all such charges;

(5) A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;

(6) A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this section to contest the propriety of such towing or removal;

(7) A statement that if the abandoned property remains unclaimed for thirty days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and

(8) A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

2. A towing company may assess **reasonable** storage charges for abandoned property only for the time in which it complies with the procedural requirements of [this section] **sections 304.155 to 304.158**.

3. In the event that the records of the department of revenue fail to disclose the name of the owner or any lienholder of record, the department shall notify the towing company which shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed that no ownership documents were found and a good faith effort has been made. For purposes of this section, good faith effort means that the following checks have been performed by the company to establish the prior state of registration and title:

(1) Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a state of possible registration and title;

(2) Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;

(3) Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and

(4) If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

4. If no ownership information is discovered, the director of revenue shall be notified in writing and title obtained in accordance with subsection 6 of this section.

5. (1) The owner of the abandoned property removed pursuant to the provisions of section 304.155 or 304.157 or any person claiming a lien, other than the towing company, within ten days after the receipt of notification from the towing company pursuant to subsection 1 of this section may file a petition in the associate circuit court in the county where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The director of revenue shall not be a party to such petition but a copy of the petition shall be served on the director of revenue who shall not issue title to such abandoned property pursuant to this section until the petition is finally decided.

(2) Upon filing of a petition in the associate circuit court, the owner or lienholder may have the abandoned property released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing and storage to ensure the payment of such charges in the event he does not prevail. Upon the posting of the bond and the payment of the applicable fees, the court shall issue an order notifying the towing company of the posting of the bond and directing the towing company to release the abandoned property. At the time of such release, after reasonable inspection, the owner or lienholder shall give a receipt to the towing company reciting any claims for loss or damage to the abandoned property or the contents thereof.

(3) Upon determining the respective rights of the parties, the final order of the court shall provide for immediate payment in full of recovery, towing, and storage fees by the abandoned property owner or lienholder or the owner, lessee, or agent thereof of the real property from which the abandoned property was removed.

6. A towing and/or storage lien shall be enforced as provided in subsection 7 of this section.

7. Thirty days after the notification form has been mailed to the abandoned property owner and holder of a security agreement and the property is unredeemed and no satisfactory arrangement has been made with the lienholder in possession for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in subsection [4] **5** of this section, the lienholder in possession may apply to the director of revenue for a salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the abandoned property as stated in the abandoned property report or crime inquiry and inspection report. The application for title shall be accompanied by:

(1) An affidavit from the lienholder in possession that he has been in possession of the abandoned property for at least thirty days and the owner of the abandoned property or holder of a security agreement has not made arrangements for payment of towing and storage charges;

(2) An affidavit that the lienholder in possession has not been notified of any application for hearing as provided in this section;

(3) A copy of the abandoned property report or crime inquiry and inspection [form] **report**;

(4) A copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest and a copy of the certified mail receipt indicating that the owner and lienholder of record has received notice as required in this section.

8. If notice to the owner and holder of a security agreement has been returned marked "not forwardable" or "addressee unknown", the lienholder in possession shall comply with subsection 3 of this section.

9. Any municipality or county may adopt an ordinance regulating the removal and sale of abandoned property provided such ordinance is consistent with sections 304.155 to 304.158.

10. Any municipality or county which has physical possession of the abandoned property and which sells abandoned property in accordance with a local ordinance may transfer ownership by means of a bill of sale signed by the municipal or county clerk or deputy and sealed with the official municipal or county seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number and the odometer reading of the abandoned property if available and shall be lawful proof of ownership for any dealer registered under the provisions of section 301.218, RSMo, or section 301.560, RSMo, or for any other person. Any dealer or other person purchasing such property from a municipality or county shall apply within thirty days of purchase for a junking certificate or salvage certificate of title designated with the words "salvage/abandoned property". Anyone convicted of a violation of this section shall be guilty of an infraction.

11. Any persons who have towed abandoned property prior to August 28, 1996, may, [within one year after August 28, 1996] **until January 1, 1998**, apply to the department of revenue for either a junking certificate or a salvage certificate of title designated with the words "salvage/abandoned property" to such property. The application shall be accompanied by:

(1) A notarized affidavit explaining the circumstances by which the abandoned property came into their possession, including the name of the owner or possessor of real property from which the abandoned property was removed;

(2) The date of the removal;

(3) The current location of the abandoned property;

(4) An inspection of the abandoned property as prescribed [in section 304.155] **by the director**; and

(5) A copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest of record and a copy of the certified mail receipt.

12. If the director is satisfied with the genuineness of the application and supporting documents submitted pursuant to this section, the director shall issue a salvage certificate of title designated with the words "salvage/abandoned property" or a junking certificate.

13. When an application is made for an original Missouri certificate of ownership on abandoned property previously issued a salvage title as provided in this section, the application shall be accompanied by a properly completed vehicle examination certificate as provided in section 301.190, RSMo, in addition to other documents and fees required by law. Notwithstanding the provisions of section 301.573, RSMo, to the contrary, if satisfied with the genuineness of the application and supporting documents, the director shall issue an original title that shall not designate the abandoned property as being prior salvage unless the examination certificate indicates the vehicle was previously in a salvaged condition or rebuilt.

14. If the proceeds obtained by the towing company from sale of the abandoned property exceed the reasonable costs of towing and storage as allowed by law and the costs of retitling such property by more than one hundred dollars, the proceeds shall be returned to the previous owner of the property by a check made payable to both the previous owner and any lienholder of record. Such check shall be made out to the owner and lienholder in the conjunctive, "and", not the disjunctive, "or".

304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. A local government agency may also provide for the towing of motor vehicles from real property under the authority of any local ordinance providing for the towing of vehicles which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health under the terms of the ordinance. Any local government agency authorizing a tow under this subsection shall report the tow to the local law enforcement agency within two hours with a crime inquiry and inspection report under section 304.155.

3. Neither the law enforcement officer, local government agency nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

[2.] **4.** The owner of real property or lessee in lawful possession of the real property may authorize a towing company to remove abandoned property without authorization by a law enforcement officer only when the owner, lessee or agent of the real property is present and only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained;

(2) The abandoned property is **left unattended** on private property **for over ninety-six hours** and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways[, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and ninety-six hours have elapsed since that notification]; or

(3) The abandoned property is left unattended on private property[, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten days have elapsed since that notification] **for over ten days.**

[3.] **5.** Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall [within one hour of the tow file] **at that time complete** an abandoned property report [with the appropriate law enforcement agency where the property is located] **which shall be considered a legal declaration subject to criminal penalty under section 575.060, RSMo.** The report shall **be in the form prescribed by the director of revenue and shall** contain the following:

(1) The year, model, make and abandoned property identification number of the property **and the owner and any lienholders, if known;**

(2) A description of any damage to the **abandoned** property noted by owner or lessee in possession of the real property;

(3) The license plate or registration number and the state of issuance, if available;

(4) The physical location of the property and the reason for requesting the property to be towed;

(5) The date the report is completed;

(6) The signature and printed name, **address and phone number** of the owner or lessee in possession of the real property; [and]

(7) The towing company's name and address;

(8) The signature of the towing operator;

[(7)] **(9) Space for** the name of the law enforcement agency notified of the **towing of the** abandoned property **and for the signature of the law enforcement official receiving the report; and**

(10) Any additional information the director of revenue deems appropriate.

[The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms shall be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.]

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subsection 4 of this section shall deliver a copy of the abandoned property report to the local law enforcement agency having jurisdiction over the location from which the abandoned property was towed. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the law enforcement agency receiving the report has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two hours if the tow was made from a signed location under subdivision (1) of subsection 4; otherwise, the report shall be delivered within twenty-four hours.

[4.] **7.** The law enforcement agency receiving such abandoned property report must record the date **on which** the abandoned property report is filed with such agency and [within five days of such filing] **shall promptly** make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide **law** enforcement computer system, **and an officer shall**

sign the abandoned property report and provide the towing company with a signed copy. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

[5. Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.]

[6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subdivision (1) of subsection 2 of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed.]

[7.] **8.** The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall [record the date the property was towed and shall forward a copy of the abandoned property report to the director of revenue.] **search the records of the department of revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten working days, the towing company shall send a copy of the abandoned property report signed by a law enforcement officer to the department of revenue.**

[8.] **9.** If any owner or lessee of real property **knowingly** authorizes the removal of abandoned property **in violation** [pursuant to subsection 2 of this section and such property is so removed and no sign is displayed prior to such removal as required pursuant to subsection 2] of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor.

304.158. 1. [The person or agency causing] **Notice as to the** removal of any abandoned property under section 304.155 or 304.157 shall [, if the person or agency knows the registered owner or lienholder,] **be made in writing** within five working days [, give notice in writing] to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and [indicate] the place to which the property has been removed **by either:**

(1) The public agency authorizing the removal; or

(2) The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this section shall include the amount of mileage, if available, shown on the abandoned property at the time of removal.

2. Any owner of any private real [estate] **property** causing the removal of abandoned property from that real [estate] **property** shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:

(1) Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and

(2) The removal of property other than the property specified by the owner of the private property from which the abandoned property was removed.

3. The owner of abandoned property removed from private property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.

4. Any owner of any private property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to

comply with the requirements of this section or [to state the grounds for the removal of the property if requested by the registered owner of the abandoned property as required by subsection 2 of this section] **section 304.157**.

5. Any towing company which tows abandoned property for hire shall have the towing company's name, city and state clearly printed in letters at least three inches in height on the sides of the truck, wrecker or other vehicle used in the towing.

6. A towing company may impose a charge of not more than one-half of the regular towing charge for the towing of abandoned property at the request of the owner of private property or that owner's agent pursuant to this section if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

7. Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this section shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property. [Persons operating or in charge of any storage facility which is not operated by the state, a county or municipality, which is located in an area with a population in excess of fifty thousand at a density at or greater than one thousand persons per square mile, and where the abandoned property is stored pursuant to this section shall accept a valid bank credit card for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property, except where the tow and impoundment of the abandoned property was the result of an arrest or accident whereby the towing company or storage facility may then demand payment in the form of cash. A person operating or in charge of such storage facility who refuses to accept a valid bank credit card pursuant to this subsection is liable to the registered owner of the abandoned property for four times the amount of the towing and storage charges, but not to exceed five hundred dollars.] In addition, persons operating or in charge of the storage facility shall have sufficient moneys on the premises to accommodate, and make change in, a reasonable monetary transaction.

8. A towing company shall not remove or commence the removal of abandoned property from private property without first obtaining written authorization from the property owner. All written authorizations shall be maintained for at least one year by the towing company. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen feet of a fire hydrant or in a fire lane designated by a fire department or the state fire marshal.

9. Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or an employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in subsection 8 of this section, is liable to the owner of the property for four times the amount of the towing and storage charges, in addition to any applicable criminal penalty, for a violation of this section.

10. Any county, city, town or village may enact ordinances or orders which are consistent with sections 304.155 to 304.158 and which may specify maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the governmental entity's jurisdiction.

11. Any person who knowingly violates any provision of sections 304.155 to 304.158 shall be guilty of a class A misdemeanor. Any violation of the provisions of this section shall constitute a violation of the provisions of section 407.020, RSMo. In any proceeding brought by the attorney general for a violation of the provisions of this section, the court may, in addition to imposing the penalties provided for in this section order the revocation or suspension of the registration or license of the towing company."; and

Further amend said bill, page 34, Section B, line 29, by striking the following: "this act is" and inserting in lieu thereof the following: "sections 301.280, 301.550, 301.553, 301.555, 301.557, 301.559, 301.560, 301.561, 301.562, 301.563, 301.564, 301.565, 301.566, 301.570 and 301.573 are"; and further amend line 32, by striking "this act" and inserting in lieu thereof the following: "sections 301.280, 301.550, 301.553, 301.555, 301.557, 301.559, 301.560, 301.561, 301.562, 301.563, 301.564, 301.565, 301.566, 301.570 and 301.573"; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 29, Section 3, Line 3, by inserting after all of said line the following:

"Section 4. Upon a finding or plea of guilty to any felony with a required culpable mental state as set forth in subsection 2 or 3 of section 562.016, RSMo, the court shall, upon motion of any victim, conduct a hearing before final sentencing, to determine the amount due to the victim as restitution by a preponderance of the evidence. The victim may be represented by counsel other than the prosecutor in the hearing. The court shall issue a civil judgment in that amount payable to the victim. The court may, in its discretion, include the amount ordered to be payable to the victim for restitution as a condition of probation.

Section 5. The board of probation and parole may, in its discretion, require restitution established pursuant to section 4 of this act, if any, to be paid by the offender as a condition of parole."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 29, Section 3, Line 3, by inserting immediately after all of said line the following:

"Section 4. At least two public defenders shall be reassigned to offices in the fortieth judicial circuit provided that each county in such circuit fund, on the basis of population, its pro rata share of the costs of office space and utility services."

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 12, Section 302.545, Lines 15 to 27, by striking all of said lines; and

Further amend said bill, page 12, section 302.545, line 28, by striking the following: "[2] **3.**" and inserting in lieu thereof the following: "2."; and

Further amend said bill, page 29, section 2, lines 1 to 17, by striking all of said lines; and

Further, by amending the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator McKenna, **SA 6** was divided into two parts; Part 1 to deal with page 12, Section 302.545 and Part 2 to deal with page 29, Section 2.

Senator Rohrbach moved that Part 1 of **SA 6** be adopted, which motion failed.

Senator Rohrbach moved that Part 2 of **SA 6** be adopted, which motion failed on a standing division vote.

Senator Quick offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 23, Section 577.023, Line 89, by inserting immediately after said line the following:

"577.037. 1. Upon the trial of any person for violation of any of the provisions of section 565.024, RSMo, or section 565.060, RSMo, or section 577.010 or 577.012, or upon the trial of any criminal action or violations of county or municipal ordinances or in any license suspension or revocation proceeding pursuant to the provisions of chapter 302, RSMo, arising out of acts alleged to have been committed by any person while driving a motor vehicle while in an intoxicated condition, the amount of alcohol in the person's blood at the time of the act alleged as shown by any chemical analysis of the person's blood, breath, saliva or urine is admissible in evidence and the provisions of subdivision (5) of section 491.060, RSMo, shall not prevent the admissibility or introduction of such evidence if otherwise admissible. If there was ten-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.

2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

3. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated.

4. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subsection 1 of this section, shall have been performed as provided in sections 577.020 to 577.041 and in accordance with methods and standards approved by the state department of health. **Any person who submits to a chemical test shall sign a form stating that such test was conducted before such test may be admitted into evidence, unless such test is conducted pursuant to section 577.033. Such person may request that the results of the chemical test be made available to him.**

5. Any charge alleging a violation of section 577.010 or 577.012 or any county or municipal ordinance prohibiting driving while intoxicated or driving under the influence of alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood, saliva, or urine performed in accordance with sections 577.020 to 577.041 and rules promulgated thereunder by the state department of health demonstrate that there was less than ten-hundredths of one percent of alcohol in the defendant's blood unless one or more of the following considerations cause the court to find a dismissal unwarranted:

(1) There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;

(2) There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or

(3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant."; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 19, Section 304.024, Line 7, by inserting after said line:

"569.170. 1. A person commits the crime of burglary in the second degree when he knowingly enters unlawfully or knowingly remains unlawfully in a building, [or] inhabitable structure, **railroad car, trailer or container on a railroad car**, for the purpose of committing a crime therein.

2. Burglary in the second degree is a class C felony."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator McKenna offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 10, Section 302.309, Line 147, by inserting immediately after said line the following:

"No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated in accordance with the provisions of chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section and section 536.028 are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void."; and

Further amend page 19, section 304.012, line 12, by inserting immediately after said line the following:

"536.028. 1. The delegation of authority to any state agency to propose to the general assembly rules as provided under this section is contingent upon the agency complying with the provisions of this section and this delegation of legislative power to the agency to propose an order of rulemaking containing a rule or portion thereof that has the effect of substantive law, other than a rule relating to the agency's organization and internal management, is contingent and dependent upon the power of the general assembly to review such proposed order of rulemaking, to delay the effective date of such proposed order of rulemaking until the expiration of at least thirty legislative days of a regular session after such order is filed with the general assembly and the secretary of state, and to disapprove and annul any rule or portion thereof contained in such order of rulemaking.

2. No rule or portion of a rule that has the effect of substantive law shall become effective until the order of rulemaking, in which such rule or portion thereof is contained, has been reviewed by the general assembly in accordance with the procedures provided herein and the agency's authority to propose an order of rulemaking is dependent upon the power of the general assembly to disapprove and annul any such proposed rule or portion thereof as provided herein.

3. In order for the general assembly to have an effective opportunity to be advised of rules proposed by any state agency under the authority of this section, an agency may propose a rule by complying with the procedures provided in section 536.021, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy thereof to the joint committee on administrative rules which may hold hearings upon any proposed rule or portion thereof at any time. The agency shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information within the control of the agency as

may be requested.

4. In order to propose an order of rulemaking to the general assembly, the agency shall comply with the provisions of section 536.021, except that the agency may file a proposed order of rulemaking with the secretary of state only by first filing such proposed order with the general assembly by providing a copy thereof to the secretary of the senate and the clerk of the house of representatives. The president pro tem of the senate shall direct that a copy of the proposed order of rulemaking be delivered to the joint committee on administrative rules which may hold hearings thereon. The agency shall cooperate with the committee by providing any witnesses, documents or information within the control of the agency as may be requested.

5. Such proposed order of rulemaking shall not become effective prior to the expiration of thirty legislative days of a regular session after such order is filed with the secretary of state and the general assembly.

6. The committee may, by majority vote of its members, recommend that the general assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and, upon a finding that such rule or portion thereof should be disapproved and annulled upon the following grounds:

(1) Such rule is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity; and

(2) Such rule or portion thereof is not in the public interest or is not authorized by the general assembly for one or more of the following grounds:

(a) An absence of statutory authority for the proposed rule;

(b) The proposed rule is in conflict with state law;

(c) Such proposed rule is likely to substantially endanger the public health, safety or welfare;

(d) The rule exceeds the purpose, or is more restrictive than is necessary to carry out the purpose, of the statute granting rulemaking authority;

(e) A substantial change in circumstance has occurred since enactment of the law upon which the proposed rule is based as to result in a conflict between the purpose of the law and the proposed rule, or as to create a substantial danger to public health and welfare;

(f) The proposed rule is so arbitrary and capricious as to create such substantial inequity as to be unreasonably burdensome on persons affected.

7. Any recommendation or report issued by the committee pursuant to subsection 6 of this section shall be admissible as evidence in any judicial proceeding and entitled to judicial notice without further proof.

8. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and annul any rule or portion thereof upon one or more of the grounds stated in subsection 6 of this section.

9. Any rule or portion thereof not disapproved within thirty legislative days of a regular session pursuant to subsection 8 of this section shall be deemed approved by the general assembly and the secretary of state may publish such order of rulemaking as soon as practicable upon the expiration of thirty legislative days of a regular session after the order of rulemaking was filed with the secretary of state and the general assembly.

10. Upon adoption of such concurrent resolution as provided in subsection 8 of this section, the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor, or vetoed and subsequently acted upon by the general assembly pursuant to article III, section 32 of the Missouri Constitution. If such concurrent resolution is adopted and signed by the governor or

reconsidered pursuant to article III, section 32, the secretary of state shall publish in the Missouri Register, as soon as practicable, the order of rulemaking along with notice of the proposed rules or portions thereof which are disapproved and annulled by the general assembly.

11. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable and the delegation of legislative authority to an agency to propose orders of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly to review, to delay the effective date or to disapprove and annul a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking pursuant thereto shall be invalid and void.

12. Nothing in this section shall prevent the general assembly from adopting by bill within thirty legislative days of a regular session the rules or portions thereof, or as the same may be amended, as contained in a proposed order of rulemaking. In that event, the proposed order of rulemaking shall have been superseded and any rule proposed therein shall be void and only such rules adopted by the general assembly and submitted to the governor may become effective. Rules so adopted shall be published by the secretary of state as soon as practicable. In that event, the secretary of state shall not publish the proposed order of rulemaking and such proposed order of rulemaking shall be invalid and void.

13. Upon adoption of any rule now in effect or hereafter promulgated, any such rule or portion thereof may be revoked by the general assembly either by bill, or by concurrent resolution pursuant to article IV, section 8 of the constitution on recommendation of the committee on administrative rules upon the grounds listed in subsection 6 of this section. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the revocation."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson resumed the Chair.

Senator Caskey moved that **SCS for HS for HCS for HB 738**, as amended, be adopted, which motion prevailed.

Senator Caskey was recognized to close.

President Pro Tem McKenna referred **SCS for HS for HCS for HB 738**, as amended, to the Committee on State Budget Control.

HCS for HB 276, with **SCS**, entitled:

An Act relating to amusement ride safety, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Quick.

SCS for HCS for HB 276, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 276

An Act to enact thirteen new sections relating to safety regulations for amusement rides, with penalty provisions.

Was taken up.

Senator Quick moved that **SCS** for **HCS** for **HB 276** be adopted.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 276, Page 5, Section 1, Line 2 of said page, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill and page, section 2, line 1, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill and page, section 2, line 18, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, page 6, section 3, line 2, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, page 7, section 6, line 3, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, page 7, section 6, line 4, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, page 7, section 7, line 3, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, page 7, section 8, line 6, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, page 7, section 9, line 1, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, page 7, section 10, line 1, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, page 7, section 10, line 5, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, page 8, section 10, line 11, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, page 8, section 11, lines 1 to 31, by striking all of said section; and

Further amend said bill, pages 8 to 9, section 12, lines 1 to 18, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Staples assumed the Chair.

Senator Quick moved that **SCS** for **HCS** for **HB 276**, as amended, be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **HCS** for **HB 276**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode

Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Curls	Lybyer--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

HB 301, introduced by Representatives Lumpe and Farmer, entitled:

An Act to repeal section 143.183, RSMo 1994, relating to state income tax revenues from certain nonresidents, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator McKenna.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 301, Page 3, Section 143.183, Line 68, by deleting said line and add in lieu thereof the following: "**public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins resumed the Chair.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 301, Page 2, Section 143.183, Lines 34-35, by striking the words "nonresident members of professional athletic teams and"; and

Further amend said bill, Page 2, Section 143.183, Line 37, by striking the words "and professional athletic team"; and

Further amend said bill, Page 2, Section 143.183, Lines 46-47, by striking the words "nonresident members of professional athletic teams and"; and

Further amend said bill, Page 3, Section 143.183, Line 49, by striking the words "and professional athletic team"; and

Further amend said bill, Page 3, section 143.183, lines 58-59, by striking the words "nonresident members of professional athletic teams and"; and

Further amend said bill, Page 3, section 143.183, line 61, by striking the words "and professional athletic team"; and

Further amend said bill, Pages 3-4, Section 143.183, Lines 83-84, by striking the words "nonresident members of professional athletic teams and"; and

Further amend said bill, Page 4, Section 143.183, Line 86, by striking the words "and professional athletic team"; and

Further amend said bill, Page 4, Section 143.183, Line 92, by inserting immediately after all of said line the following:

"7. The commissioner of administration, for all taxable years beginning on or after January 1, 1998, but none after December 31, 2007, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of athletic teams. For fiscal year 1999, and for each subsequent fiscal year for a period of nine years, the annual estimate of taxes generated from the professional athletic team income tax shall annually be allocated to the youth opportunities and violence prevention fund, an amount equal to forty percent of such estimate shall be transferred, subject to appropriation, from the general revenue fund to the youth opportunities and violence prevention fund established in section 620.1100, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year."

Senator Kenney moved that the above amendment be adopted.

At the request of Senator McKenna, **HB 301**, with **SA 2** (pending), was placed on the Informal Calendar.

Senator Clay assumed the Chair.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 10** and requests a further conference on **SCS** for **HCS** for **HB 10** and the conferees be allowed to exceed the differences and the House conferees be instructed to adopt the following language to Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10 as follows:

"replacing Sections 10.685 and 10.690 with the following -

10.685 To the Department of Health

For the Division of Maternal, Child and Family Health

For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of the funds may be expended for the purpose of performing, assisting, encouraging, or referring for an abortion and further provided that none of the funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, as verified by independent audit, and none of the funds may be granted to organizations or their affiliates that provide or promote abortions.

Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable. If any provision of this section or the application thereof is held invalid or unconstitutional, then this section is invalid and void. It is the intent of the general assembly that there shall be no appropriation pursuant to this section if all or any part of the appropriation is made contrary to the provisions of this section, and there shall be no appropriation pursuant to this section if all or any part of this section is held invalid or unconstitutional.

From General Revenue Fund \$5,018,639

From Federal Funds \$1,464,819

Total \$6,483,458

10.690 to the Department of Health

For the Division of Maternal, Child and Family Health

For the purpose of funding alternatives to abortion services as follows: prenatal care, medical care, parenting skills, drug and alcohol testing and treatment, child care, newborn or infant care, alternative housing, alternative schooling, adoption assistance, job training and placement, efforts to promote responsible paternity, ultrasound services, case management for pregnancy maintenance, domestic abuse protection and transportation for women during their pregnancy and continuing for one year thereafter, excluding any service of the types described in section 10.685, provided that none of the funds may be expended for the purpose of performing, assisting, encouraging, or referring for an abortion and further provided that none of the funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, as verified by independent audit, and none of the funds may be granted to organizations or their affiliates that provide or promote abortions.

Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable. If any provision of this section or the application thereof is held invalid or unconstitutional, then this section is invalid and void. It is the intent of the general assembly that there shall be no appropriation pursuant to this section if all or any part of the appropriation is made contrary to the provisions of this section, and there shall be no appropriation pursuant to this section if all or any part of this section is held invalid or unconstitutional.

From General Revenue Fund \$ 900,000".

President Wilson resumed the Chair.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate refuse to recede from its position and request the House to take up and adopt the conference committee report on **SCS** for **HCS** for **HB 10** and pass **CCS** for **HB 10**.

Senator Klarich offered a substitute motion that the Senate request the House to grant a further conference on **SCS** for **HCS** for **HB 10** and that the conferees be urged to consider the adoption of the attached language relating to sections 10.685 and 10.690:

10.685 To the Department of Health

For the Division of Maternal, Child and Family Health

1. For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of the funds may be expended for the purpose of performing, assisting, encouraging, or referring for abortion and further provided that none of the funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, as verified by independent audit, and none of the funds may be granted to organizations or affiliates of organizations which provide or promote abortions.

2. If any provision of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3, otherwise subsection 3 shall have no effect.

3. For the purpose of funding family planning services, pregnancy testing and follow-up services provided directly by the division of maternal, child and family health or provided directly by public health entities through contractual agreement with the division, provided that none of these funds may be expended for the purpose of encouraging or referring for abortion.

From General Revenue Fund \$5,018,639

From Federal Funds \$1,464,819

Total \$6,483,458

10.690 To the Department of Health

For the Division of Maternal, Child and Family Health

1. For the purpose of funding alternatives to abortion services as follows: prenatal care, medical care, parenting skills, drug and alcohol testing and treatment, child care, newborn or infant care, alternative housing, alternative schooling, adoption assistance, job training and placement, efforts to promote responsible paternity, ultrasound services, case management for pregnancy maintenance, domestic abuse protection and transportation, such services to be for women during their pregnancy and continuing for one year thereafter, excluding any service of the types described in section 10.685, provided that none of the funds may be expended for the purpose of performing, assisting, encouraging, or referring for abortion and further provided that none of the funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, as verified by independent audit, and none of the funds may be granted to organizations or affiliates of organizations which provide or promote abortions.

2. If any provision of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3, otherwise subsection 3 shall have no effect.

3. For the purpose of funding alternatives to abortion services provided directly by the division of maternal, child and family health or provided directly by public health entities through contractual agreement with the division, as follows: prenatal care, medical care, parenting skills, drug and alcohol testing and treatment, child care, newborn or infant care, alternative housing, alternative schooling, adoption assistance, job training and placement, efforts to promote responsible paternity, ultrasound services, case management for pregnancy maintenance, domestic abuse protection and transportation, such services to be for women during their pregnancy and continuing for one year thereafter, excluding any service of the types described in section 10.685, provided that none of these funds may be expended for the purpose of encouraging or referring for abortion.

From General Revenue Fund \$900,000.

At the request of Senator Klarich, the above substitute motion was withdrawn.

Senator Lybyer withdrew his motion, then moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 10** and request the House grant a further conference without restrictions, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 11** and has taken up and passed **CCS** for **HB 11**.

CONFERENCE COMMITTEE REPORTS

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on SCS for HCS for HB 11 submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 11

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, and that the House recede from its position on House Committee Substitute for House Bill No. 11, and the Conference Committee Substitute for House Bill No. 11, be adopted.

FOR THE SENATE: FOR THE HOUSE:

- /s/ Mike Lybyer /s/ Sheila Lumpe
- /s/ Harry Wiggins /s/ Deleta Williams
- /s/ Wayne Goode /s/ Scott Lakin
- /s/ John T. Russell /s/ Pat Kelley
- /s/ Marvin Singleton /s/ Rich Chrismer

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Nays--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Lybyer, **CCS** for **HB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Quick requested leave of the Senate that the conferees on Appropriations be allowed to meet while the Senate is in session, which request was granted.

PRIVILEGED MOTIONS

Senator Staples, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 132**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 132

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 132, with House Amendments Nos. 1, 2, 3 and 4; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Amendments Nos. 3 and 4 to House Committee Substitute for Senate Bill No. 132;
- 2. That the Senate recede from its position on House Amendments Nos. 1 and 2 to House Committee Substitute for Senate Bill No. 132;
- 3. That Conference Committee Amendment No. 1 be adopted.
- 4. That the House Committee Substitute for Senate Bill No. 132, with House Amendments Nos. 1 and 2 and the attached Conference Committee Amendment No. 1 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Danny Staples /s/ Rita D. Days

/s/ William P.McKenna /s/ May Scheve

/s/ Mike Lybyer /s/ Larry Thomason

/s/ Sam Graves /s/ Beth Long

/s/ Morris Westfall /s/ Catherine Enz

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 132, Page 31, Section 115.284, Line 34, by inserting after the word "ballot" the word "**application**"; and

Further amend said bill, Page 53, Section 116.160, Line 6, by inserting immediately after the word "prepare" the following: "**and transmit to the attorney general**"; and

Further amend said bill, page 53, Section 116.160, Line 11, by inserting after the word "bill" the following: ". **The attorney general shall within ten days approve the legal content and form of the proposed statement**"; and

Further amend said bill, Page 56, Section 116.334, Lines 3-4, by striking the following: "or upon receipt of a joint resolution or a bill referred by the general assembly to a vote of the people,".

Senator Staples moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Banks	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims

Singleton	Staples	Westfall	Wiggins
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Yeckel--29

Nays--Senators--None

Absent--Senators

Bentley	Clay	Curls	Jacob
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Lybyer--5

Absent with leave--Senators--None

On motion of Senator Staples, **HCS** for **SB 132**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators--None

Absent--Senators

Bentley	Clay	Curls	Jacob
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Lybyer--5

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves

House	Howard	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators--None

Absent--Senators

Bentley	Clay	Curls	Jacob
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Lybyer--5

Absent with leave--Senators--None

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **HBs 424** and **534**, as amended: Representatives: Crump, McBride, Ransdall, Long and Ballard.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 142**, as amended: Representatives: May (108), O'Toole, Rizzo, Wannemacher and Gaston.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 394**: Representatives: Scheve, Backer, Gratz, Loudon and Hohulin.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SB 315**, as amended: Representatives: Koller, Franklin, Stoll, Hartzler (124) and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 816**: Representatives: Williams (159), Leake, Thomason, Legan and Gaston.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCR 28** and has again taken up and passed **HCR 28** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SSA 1** for **SA 1** to **HCS** for **HJR 9** and has again taken up and passed **HCS** for **HJR 9** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1**, **SA 2** to **HCS** for **HB 459** and has again taken up and passed **HCS** for **HB 459** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1**, **SA 1** to **HB 129** and has again taken up and passed **HB 129** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HB 390**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 655**, as amended, and has taken up and passed **CCS** for **HB 655**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **SB 56**, as amended, and has taken up and passed **CCS** for **SB 56**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 241**, as amended, and has taken up and passed **CCS** for **SB 241**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **HBs 600** and **388** and has taken up and passed **HCS** for **HBs 600** and **388**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **HBs 424** and **534** and has taken up and passed **HCS** for **HBs 424** and **534**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HBs 69** and **179** and **HCS** for **HB 669**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **Part I** and **Part 2** of **HS** for **HCS** for **SS** for **SB 121**, entitled:

An Act to repeal sections 307.173 and 307.178, RSMo 1994, and section 301.030, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

With House Amendment No. 1; House Amendment No. 1 to Part 2; House Amendment No. 2 to Part 2; House Substitute Amendment No. 1 for House Amendment No. 4 to Part 2 of HS for HCS for SS for SB No. 121; and Parts 1 and 2 of House Substitute Amendment No. 1 for House Amendment No. 3.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 6, Section 307.173, Line 3, by inserting after said line the following:

"4. No person shall be stopped, inspected or detained solely to determine compliance with this section." and

Further renumber accordingly.

HOUSE AMENDMENT NO. 1 TO PART 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 7, Section 307.178, Line 2, by deleting the word "**twenty-one**" and inserting in lieu thereof the word "**eighteen**".

HOUSE AMENDMENT NO. 2 TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 11, Section 1, Line 12, by inserting after all of said line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as

prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **who is under twenty-one years of age** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340, violation of subsection 1 of this section shall be deemed a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section shall be deemed an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 4

Amend Part II of House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 7, Section 2, Line 9, by adding after said line the following:

"If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the driver and passengers are not in violation of this section."

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 3

Amend Part II of House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 9, Section 307.178, Line 9 of said page, by inserting after all of said line the following:

"307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) New motor vehicles which have not been previously titled and registered, prior to the initial motor vehicle registration or the next succeeding registration which is required by law;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131, RSMo; shall submit such vehicles to [an annual] **a biennial** inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official

inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for annual registration **in a year in which an inspection is required** or within sixty days of when a vehicle's registration is transferred. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

[3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current annual registration.

4.] **3.** Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.

307.353. Other provisions of law notwithstanding, no person shall be required to have [an annual] **a biennial** vehicle inspection during a registration period which exceeds one year. The inspection required at the beginning of the registration period shall be valid for the entire registration period.

307.355. 1. No state registration license to operate the type of vehicle required to be inspected by section 307.350 may be transferred or issued unless the application for the transfer of a license or the application for annual registration is accompanied by a current certificate of inspection and approval issued not more than sixty days prior to the date of the application **in a year in which an inspection is required**, or, in the cases of school buses, the current certificate of inspection and approval issued at the time provided in section 307.375 next preceding the date of application, except:

(1) The director of revenue may transfer or issue a state registration license to the type of vehicle required to be inspected by section 307.350 without a certificate of inspection and approval accompanying the application if the director has satisfactory evidence that the vehicle was not in the state of Missouri at any time during the sixty days prior to the date of application; however, the owner of every such vehicle must submit the vehicle for inspection and obtain a certificate of inspection and approval within ten days after the vehicle is first returned to the state of Missouri.

(2) The director of revenue shall renew a vehicle's registration license without a certificate of inspection and approval accompanying the application if satisfactory documentary evidence is presented at the time of application that the license being renewed was properly transferred within a six-month period prior to the expiration of the license being renewed or that the vehicle for which the registration is being issued was issued a registration for a period of less than one year for the registration period just expiring.

2. If due to interstate operation a commercial motor vehicle as defined in section 301.010, RSMo, or a trailer of the type required to be inspected is required to obtain full fee registration in this and any other state during the same calendar year, no Missouri certificate of inspection and approval is required if the vehicle bears evidence that a current valid inspection sticker or decal was issued by such other state in which the vehicle is registered; provided that the sticker or decal issued by such other state is valid for the registration period in this state.

3. After a commercial motor vehicle as defined in section 301.010, RSMo, has been registered for the current year, no certificate of inspection and approval is required when a local commercial motor vehicle license is changed to a beyond-local commercial motor vehicle license or when the licensed gross weight is changed during the licensed period.

307.365. 1. No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated. The superintendent of the Missouri state highway patrol shall design and furnish each official inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.

2. No person operating an official inspection station under the provisions of sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose and only after inspecting the vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank and any other safety equipment as required by the state are in proper condition and adjustment to be operated upon the public highways of this state with safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways, as provided by sections 307.350 to 307.390 and the regulations prescribed by the superintendent of the Missouri state highway patrol. No person operating an official inspection station shall furnish, loan, give or sell a certificate of inspection and approval to any other person except those entitled to receive it under provisions of sections 307.350 to 307.390. No person shall have in his possession any certificate of inspection and approval and/or inspection sticker with knowledge that the certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

3. The superintendent of the Missouri state highway patrol may require officially designated stations to furnish reports upon forms furnished by him for that purpose as he considers reasonably necessary for the proper and efficient administration of sections 307.350 to 307.390.

4. If, upon inspection, defects or unsafe conditions are found, the owner may correct them himself or shall have them corrected at any place of his own choice within fifteen days after the defect or unsafe condition is found, and shall have the right to remove the vehicle to such place for correction, but before the vehicle is operated thereafter upon the public highways of this state, a certificate of inspection and approval must be obtained. The inspecting personnel of the official inspection station must inform the owner that he need not have the corrections made at the inspection station.

5. A fee, not to exceed [seven] **fourteen** dollars, as determined by each official inspection station, may be charged by an official inspection station for each official inspection including the issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee, not to exceed six dollars, as determined by each official inspection station, may be charged for an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted on the premises of each such official inspection station. No owner shall be charged an additional inspection fee upon having corrected defects or unsafe conditions found in an inspection completed within the previous ten consecutive days, excluding Saturdays, Sundays and holidays, if such follow-up inspection is made by the station making the initial inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon completion of the inspection, if any defects are found the owner of the vehicle shall be furnished a list of the defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have any necessary repairs or corrections made at the official inspection station, he shall be furnished a written estimate of the cost of such repairs before such repairs or corrections are made by the official inspection station. The written estimate shall have plainly written upon it that the owner understands that he need not have the corrections made by the official inspection station and shall have a signature line for the owner. The owner must sign below the statement on the signature line before any repairs are made.

6. Certificates of inspection and approval, sticker, seal or other device shall be purchased by the official inspection stations from the superintendent of the Missouri state highway patrol. The superintendent of the Missouri state highway patrol shall collect a fee of seventy-five cents for each certificate of inspection, sticker, seal or other device issued to the official inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal or other device issued to official inspection stations operated by governmental entities. All fees collected shall be deposited in the state

treasury with fifty cents of each fee collected credited to the state highway fund and, for the purpose of administering and enforcing the state motor vehicle laws and traffic regulations, twenty-five cents credited to the "Highway Patrol Inspection Fund" which is hereby created. The moneys collected and deposited in the highway patrol inspection fund shall be expended subject to appropriations by the general assembly for the administration and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The unexpended balance in the fund at the end of each biennium exceeding the amount of the appropriations from the fund for the first two fiscal years shall be transferred to the state road fund, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to the fund.

7. The owner or operator of any inspection station who discontinues operation during the period that a station permit is valid or whose station permit is suspended or revoked shall return all official signs and posters and any current unused inspection stickers, seals or other devices to the superintendent of the Missouri state highway patrol and shall receive a full refund on request except for official signs and posters, provided the request is made during the calendar year or within sixty days thereafter in the manner prescribed by the superintendent of the Missouri state highway patrol. Stations which have a valid permit shall exchange unused previous year issue inspection stickers and/or decals for an identical number of current year issue, provided the unused stickers and/or decals are submitted for exchange not later than April thirtieth of the current calendar year, in the manner prescribed by the superintendent of the Missouri state highway patrol.

307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census, [as a part of the motor vehicle inspection procedure required by sections 307.350 to 307.390,] certain motor vehicles shall be tested to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. **The motor vehicles to be tested shall be all vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section. Motor vehicles shall have their emission systems tested annually and where applicable, the vehicles shall be tested as part of the motor vehicle safety inspection procedure required by sections 307.350 to 307.390.**

2. The provisions of this section shall not apply to:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles;

(3) Model year vehicles prior to 1971;

(4) School buses;

(5) Diesel-powered vehicles;

(6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; and

(7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next

succeeding registration which is required by law.

Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official safety and emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official safety and emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress." No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

4. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

5. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official safety and emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

6. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

7. Each safety and emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, safety and emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

8. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official safety and emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official safety and emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

9. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air

pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

10. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

11. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county.

12. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor."; and

Further amend said bill's title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 89**, entitled:

An Act to repeal sections 49.310, 67.582, 221.010, 221.111, 221.400, 221.405 and 221.410, RSMo 1994, relating to jails, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House committee Substitute for Senate Committee Substitute for Senate Bill No. 89, Page 1, In the Title, Line 4 of said page, by inserting after the figure "1994," the following: "and section 56.265, RSMo Supp. 1996,"; and

Further amend said bill, Page 1, In the Title, Line 5 of said page, by deleting the word "twelve" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by inserting after the figure "1994," the following: "and section 56.265, RSMo Supp. 1996,"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word "twelve" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by inserting after the figure "49.310," the following: "56.265,"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by deleting the word and figure "and 2" and inserting in lieu thereof the following: ", 2, 3 and 4"; and

Further amend said bill, Page 5, Section 49.310, Line 5 of said page, by inserting after all of said line the following:

"56.265. 1. The county prosecuting attorney in any county, other than in a [first class] chartered county **of the first classification**, shall receive an annual salary computed as set forth in the following schedule, **when applicable**. The population factor shall be as disclosed in the last preceding federal decennial census and the assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation received by any person holding the office of prosecuting attorney on January 1, 1988.

(1) For a full-time prosecutor [in a county of the first or second class:

Assessed Valuation Amount

\$100,000,000 to 200,000,000	\$36,000
200,000,001 to 300,000,000	38,000
300,000,001 to 400,000,000	41,000
400,000,001 to 500,000,000	44,000
500,000,001 to 750,000,000	46,000
750,000,001 to 1,000,000,000	48,000
1,000,000,001 or more	50,000

Population Amount

Less than 50,000	\$ 9,000
50,001 to 75,000	11,000
75,001 to 100,000	12,000
100,001 or more	13,000], the

prosecutor shall receive compensation equal to the compensation of an associate circuit judge;

(2) For a part-time prosecutor in a [second class] county **of the second classification:**

Assessed Valuation Amount

\$00 to 50,000,000	\$35,000
50,000,001 to 100,000,000	36,000
100,000,001 to 150,000,000	37,000
150,000,001 to 170,000,000	39,000
170,000,001 to 250,000,000	40,000
250,000,001 to 300,000,000	41,000
300,000,001 to 350,000,000	42,000

350,000,001 to 400,000,000 43,000

400,000,001 or more 44,000

Population Amount

Less than 20,000 \$ 1,000

20,001 to 30,000 2,000

30,001 to 40,000 3,000

40,001 to 75,000 4,000

75,001 or more 5,000

(3) In [second class] counties **of the second classification** which contain facilities which are operated by the department of corrections with a total average yearly inmate population in excess of two thousand persons, the prosecuting attorney shall receive thirteen thousand dollars per annum in addition to all other compensation provided by law; however, the total annual compensation of such prosecuting attorney holding office on January 1, 1988, shall not be increased by more than nine thousand dollars above the compensation which [he] **the prosecuting attorney** is receiving on January 1, 1988, during the term of office [he] **the prosecuting attorney** is serving at that time. The provisions of this subdivision shall expire on December 31, 1998.

(4) For a **part-time** prosecutor in a county of the third or fourth [class] **classification**:

Assessed Valuation Amount

Less than \$25,000,000 \$30,000

25,000,001 to 50,000,000 31,000

50,000,001 to 75,000,000 32,000

75,000,001 to 100,000,000 33,000

100,000,001 to 125,000,000 34,000

125,000,001 to 150,000,000 35,000

150,000,001 to 200,000,000 36,000

200,000,001 to 300,000,000 37,000

300,000,001 to 400,000,000 38,000

400,000,001 to 500,000,000 39,000

500,000,001 or more 40,000

Population Amount

Less than 25,000 \$ 1,000

25,001 to 50,000 2,000

50,001 to 100,000 3,000

100,001 to 150,000 4,000

150,001 or more 5,000

[(5) For a circuit attorney in a city not within a county, the annual salary shall be sixty-four thousand dollars until December 31, 1993.]

2. Two thousand dollars of the salary authorized in this section shall be payable to the prosecuting attorney only if [he] **such prosecuting attorney** has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the prosecuting attorney's office when approved by a professional association of the county prosecuting attorneys of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each prosecuting attorney who completes the training program and shall send a list of certified prosecuting attorneys to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county prosecuting attorney in the same manner as other expenses as may be appropriated for that purpose.

3. As used in this section, the term "prosecuting attorney" includes the circuit attorney of any city not within a county.

4. [The prosecuting attorney in any county, other than a first class charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of prosecuting attorney in the particular county for services rendered or performed on the date the salary commission votes.

5.] In a county of the first [class] **classification**, which was a county of the second [class] **classification** on January 1, 1988, and in which the circuit court sits in two different cities, the prosecuting attorney shall be part time and the compensation shall be five percent less than the formula provided for prosecuting attorney compensation in subdivision (1) of subsection 1 of this section.

5. The provisions of subdivision (3) of subsection 1 of this section and the provisions of subsections 2 and 3 of section 56.066 shall not apply to full-time prosecutors who are compensated pursuant to subdivision (1) of subsection 1 of this section.

Section 3. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a full-time position in

County?

[] Yes [] No

If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.

Section 4. In any county in which the voters have passed the proposition pursuant to section 3 of this act, the

prosecuting attorney shall devote full time to the prosecuting attorney's office, and, except for the performance of official duties, shall not engage in the practice of law."

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 89, Page 1, In the Title, Line 3, by deleting the following on said line "and 221.410" and inserting in lieu thereof the following **"221.410, 562.021 and 562.026"**; and

Further amend said title, line 5, by deleting the word "twelve" and inserting in lieu thereof the word **"fourteen"**; and

Further amend page 1, section A, line 2, by deleting the following "and 221.410" and inserting in lieu thereof the following **"221.410, 562.021 and 562.026"**; and

Further amend said line by deleting the word "twelve" and inserting in lieu thereof the word **"fourteen"**; and

Further amend said section, line 13, by inserting immediately after "221.430," the following **"562.021 and 562.026,"** and

Further amend said substitute, page 17, section 221.430, line 6, by inserting immediately after said line the following:

"1. If the definition of any offense prescribes a culpable mental state but does not specify the conduct, attendant circumstances or result to which it applies, the prescribed culpable mental state applies to each such material element.

2. If the definition of an offense prescribes a culpable mental state with regard to a particular element or elements of that offense, the prescribed culpable mental state shall be required only as to specified element or elements, and a culpable mental state shall not be required as to any other element of the offense.

3. Except as provided in subsection 2, of this section and section 562.026, if the definition of any offense does not expressly prescribe a culpable mental state for any elements of the offense, a culpable mental state is nonetheless required and is established if a person acts purposely or knowingly but recklessly, or criminal negligence is not sufficient.

[2]**4. If the definition of an offense prescribes criminal negligence as the culpable mental state, it is also established if a person acts purposely or knowingly or recklessly. When recklessness suffices to establish a culpable mental state, it is also established if a person acts purposely or knowingly. When acting knowingly suffices to establish a culpable mental state, it is also established if a person acts purposely.**

[3]**5. Knowledge that conduct constitutes an offense, or knowledge of the existence, meaning or application of the statute defining an offense is not an element of an offense unless the statute clearly so provides.**

562.026. A culpable mental state is not required:

(1) If the offense is an infraction and no culpable mental state is prescribed by the statute defining the offense; or

(2) If the **offense is a felony or misdemeanor and no culpable mental state is prescribed by the statute defining the offense, and imputation of a culpable mental state to the offense is inconsistent with the purpose of the statute defining the offense or may lead to clearly absurd or unjust results.** [statute defining the offense clearly indicates a purpose to dispense with the requirement of any culpable mental state as to a specific element of the offense.]".

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 89, Page 1, In the Title, Line 3, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word and number "and 3" and inserting in lieu thereof the following: "3 and 4"; and

Further amend said bill, Page 9, Section 3, Line 19, by inserting after all of said line the following:

"Section 4. 1. On a first offense, any sexual offender or any predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo, may be required as a condition of parole, to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling, at the discretion of the board of probation and parole.

2. On a second offense, any sexual offender or any predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo, when the victim of the second offense was thirteen years of age or less, shall be required as a condition of parole, to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling.

3. On a third offense, any sexual offender or any predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo, shall be required as a condition of parole, to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling.

4. Pursuant to this section, the offender shall begin medroxyprogesterone acetate treatment one week prior to release from confinement and shall continue treatments and counseling until the board of probation and parole determines that the treatment is no longer necessary or until the offender reaches the end of the offender's sentence.

5. No offender shall be granted early parole due to an agreement to undergo such treatment.

6. The board of probation and parole may decline to apply the provisions of this section to any offender who, on the date of the offense, was less than eighteen years of age, if the victim consented to the act.

7. The department of corrections shall promulgate such rules as are necessary to implement the provisions of this section.

8. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 89, at the end of said bill, by adding the following:

"569.170. 1. A person commits the crime of burglary in the second degree when he knowingly enters unlawfully or knowingly remains unlawfully in a building, [or] inhabitable structure, **railroad car, trailer or container on a railroad car, for the purpose of committing a crime therein.**

2. Burglary in the second degree is a class C felony."; and

Amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **SB 449**, entitled:

An Act to repeal sections 30.260, 30.300 and 30.350, RSMo 1994, relating to the state treasurer, and to enact in lieu thereof eleven new sections relating to the same subject.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 449, Page 6, Subsection 4, Line 46, by deleting the following:

"the lesser of either those investments authorized by section 15, article IV of the Constitution of Missouri, as in effect on January 1, 1997, or those investments expressly authorized by statute for the political subdivision."; and inserting the following:

"those investments authorized by law as of January 1, 1997."; and

Amend page 8, section 30.953, subsection 4, line 57, beginning after the words "by the governor," by deleting the following:

"at least one of whom is a representative of the community foundations of Missouri,".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 11**, entitled:

An Act to repeal sections 49.082, 50.334, 51.281, 52.269, 53.082, 53.270, 54.261, 54.320, 55.091, 56.600, 57.317 and 57.550, RSMo 1994, and sections 50.333, 50.343, 56.265, 58.095 and 58.700, RSMo Supp. 1996, relating to certain county officers, and to enact in lieu thereof twenty-one new sections relating to the same subject.

With House Amendments Nos. 1, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13 and 14, and House Substitute Amendment No. 1 for House Amendment No. 15.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 33, Section 58.700, Line 25, by inserting after all of said line the following:

"64.170. For the purpose of promoting the public safety, health and general welfare, to protect life and property and to prevent the construction of fire hazardous buildings, the county commission in all counties of the first [and second class], **second or third classification**, as provided by law, is for this purpose empowered to adopt by order or ordinance regulations to control the construction, reconstruction, alteration or repair of any building or structure and any electrical wiring or electrical installation therein, and provide for the issuance of building permits and adopt regulations licensing persons, firms or corporations other than federal, state or local governments, public utilities and their contractors engaged in the business of electrical wiring or installations and provide for the inspection thereof and establish a schedule of permit, license and inspection fees and appoint a building commission to prepare the regulations, as herein provided.

64.175. 1. The governing body of each county of the third classification may vote, after public hearing, to adopt and enforce a building and electrical code of regulations created pursuant to subsection 2 of this section. Upon a majority vote of the governing body of a county of the third classification to adopt and enforce a building and electrical code of regulations created pursuant to subsection 2 of section 64.180, the governing body shall, after publication in a newspaper of general circulation in the county of a summary of the proposed building and

electrical code or of a location where such code can be read by the public at least thirty days before such primary or general election, submit the question to the voters of the county at the next countywide primary or general election.

2. The voters of any county may, at any time upon their own initiative, present an initiative petition containing a minimum of ten percent of the registered voters' signatures that voted in the last gubernatorial election to the governing body of the county to place the issue of the adoption of a building and electrical code on the ballot at the next general election. Upon verification of the signatures on such petition by the county election authority, the initiative petition shall be deemed "qualifying" for purposes of this section.

3. After a majority vote of the governing body of the county of the third classification or the submission of a qualifying initiative petition by the voters of the county, the governing body of the county shall place on the ballot at the next general election the question in substantially the following form:

"Shall the county of (insert county name) adopt and enforce the building and electrical code proposed by the (insert county name) building commission?"

[] Yes [] No

4. Upon certification by the proper election authority of a majority vote in favor of the question, the county shall adopt and enforce the building and electrical code adopted by the voters.

64.205. **Except as provided in section 64.175**, sections 64.170 to 64.200 shall apply to all counties of the first [and second class], **second and third classifications.**"; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 1, In the Title, Line 3, by deleting the word and number "and 57.550" and inserting in lieu thereof the following: ", 57.550, 59.220, 82.380, 82.520 and 82.599"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "twenty-one" and inserting in lieu thereof the word "twenty-five"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word and number "and 57.550" and inserting in lieu thereof the following: ", 57.550, 59.220, 82.380, 82.520 and 82.599"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twenty-one" and inserting in lieu thereof the word "twenty-five"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting after the number "58.700," the following: "59.220, 82.380, 82.520, 82.599,"; and

Further amend said bill, Page 31, Section 57.550, Line 1, by deleting the word "The" and inserting in lieu thereof the following: "**Beginning January 1, 1998**, the"; and

Further amend said bill, Page 31, Section 57.550, Line 2, by deleting the words "**sixty-five** thousand dollars per annum" and inserting in lieu thereof the following: "**sixty-six** thousand dollars per annum, **and beginning January 1, 1999, the sheriff of the city of St. Louis shall receive for the sheriff's services the sum of seventy-two thousand six hundred dollars per annum**"; and

Further amend said bill, Page 33, Section 58.700, Line 25, by inserting after all of said line the following:

"59.220. **Beginning January 1, 1998**, in [all cities having more than seven hundred thousand inhabitants] **the city of St. Louis**, the recorder of deeds shall receive as total compensation an annual salary of [fifty-two] **fifty-eight thousand three hundred dollars and beginning January 1, 1999, in the city of St. Louis, the recorder of deeds shall receive as total compensation an annual salary of sixty-four thousand one hundred thirty dollars.**

82.390. 1. **Beginning January 1, 1998**, the license collector of the city of St. Louis shall receive a salary of [fifty-three] **fifty-eight thousand three hundred dollars per year and beginning January 1, 1999, the license collector of the city of St. Louis shall receive a salary of sixty-four thousand one hundred thirty dollars**, payable as provided in section 82.395.

2. The license collector may appoint one chief deputy, and one assistant deputy license collector, either of whom, in the absence for any cause of the license collector, may perform all the duties of the license collector. The license collector may appoint a cashier, an assistant cashier, a secretary and such other clerks, account clerks and inspectors as are required by the license collector to properly and efficiently perform the duties of [his] **the license collector's** office when such positions are approved by the board of aldermen of such city.

3. The salaries and compensation of the employees enumerated in subsection 2 of this section shall be payable as provided in section 82.395.

4. The license collector, deputy license collector and clerks may administer oaths in the transaction of the business of the office. The license collector and [his] **the license collector's** sureties are responsible for the official acts of all employees appointed by [him] **the license collector**.

82.520. **Beginning January 1, 1998**, the salary of the city treasurer shall be, in addition to the amount provided by section 82.516, [forty-nine] **fifty-three thousand nine hundred dollars per annum and beginning January 1, 1999, the salary of the city treasurer shall be, in addition to the amount provided by section 82.516, fifty-nine thousand two hundred ninety dollars per annum**. The salary of the city treasurer, and the salaries of his deputies, clerks, and assistants, shall be paid out of the city treasury, in equal semimonthly installments.

82.599. Other provisions of law to the contrary notwithstanding, **beginning January 1, 1998**, the collector of revenue in a city not within a county shall receive an annual salary of [sixty-four] **seventy thousand four hundred dollars and beginning January 1, 1999, the collector of revenue in a city not within a county shall receive an annual salary of seventy-seven thousand four hundred forty dollars**. Such salary shall be paid out of the city treasury, in equal semimonthly installments, and shall be in lieu of all other amounts otherwise provided by law."

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 1, In the Title, Line 2, by inserting after the number "56.600," the number "56.830,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "twenty-one" and inserting in lieu thereof the word "twenty-two"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after the number "56.600," the number "56.830,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twenty-one" and inserting in lieu thereof the word "twenty-two"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting after the number "56.600," the number "56.830,"; and

Further amend said bill, Page 29, Section 56.600, Line 10, by inserting after all of said line the following:

"56.830. 1. A death benefit of ten thousand dollars shall be paid to the designated beneficiary of every active member upon [his] **the member's** death or to [his] **the member's** estate if there is no designated beneficiary.

2. If a member dies before retirement, after becoming eligible for retirement, [his] **the member's** surviving spouse, if [she] **such surviving spouse** has been married to the member for at least two years prior to [his] **the member's** death, shall be entitled to survivorship benefits [under] **pursuant to** option 1 as set forth in section 56.827 as if the member had retired on the date of [his] **the member's** death.

3. If a member with twelve or more years of service dies before becoming eligible for retirement, the member's surviving spouse, if such surviving spouse has been married to the member for at least two years prior to the member's death, shall be entitled to survivor benefits pursuant to option 1 as set forth in section 56.827 as if the member retired on the date of the member's death."

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 2, Section 49.082, Lines 42-43, by inserting an opening bracket "[" after the word "government" on line 42 and by inserting a closing bracket "]" after the word "more" on line 43.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 1, In the Title, Line 3, by inserting immediately after the figure "50.343," the figure "52.230,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the words "twenty-one" and inserting in lieu thereof the words "twenty-two"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after the figure "50.343," the figure "52.230,"; and

Further amend said bill, Page 2, Section A, Line 3, by deleting the words "twenty-one" and inserting in lieu thereof the words "twenty-two"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting immediately after the figure "51.281," the figure "52.230,"; and

Further amend said bill, Page 13, Section 51.281, Line 50, by inserting immediately after said line the following:

"52.230. Each year the collectors of revenue in all counties of the first class not having a charter form of government, and in all second, third and fourth class counties of the state, not under township organization, shall mail to all resident taxpayers, at least fifteen days prior to delinquent date, a statement of all real and tangible personal property taxes due and assessed on the current tax books in the name of the taxpayers. Such statement shall also include the amount of real and tangible personal property taxes delinquent at the time of the mailing of the statement, including any interest and penalties associated with the delinquent taxes. **Such statement shall declare upon its face, or by an attachment thereto, that they are delinquent at the time such statement is mailed for an amount of real or tangible personal property taxes, or both.** Collectors shall also mail tax receipts for all the taxes received by mail."

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 34, Section 1, Line 7, by adding immediately after all of said line the following:

"Section 2. In any county through which a federal interstate highway passes, or in any county which has an official weigh station, the county may receive an additional two thousand five hundred dollars for duties associated with offenses originating on the federal interstate highway or at a weigh station. The county shall allocate these moneys for the compensation of the sheriff and prosecuting or circuit attorney in the proportion sixty percent to the prosecuting or circuit attorney and forty percent to the sheriff."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 1, In the Title, Line 4, by deleting the word and figure "and 58.700" and inserting in lieu thereof the following: ", 58.700 and 473.739"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "twenty-one" and inserting in lieu thereof the word "twenty-two"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word and figure "and 58.700" and inserting in lieu thereof the following: ", 58.700 and 473.739"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twenty-one" and inserting in lieu thereof the following: "twenty-two"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting after the figure "58.700," the following: "473.739"; and

Further amend said bill, Page 33, Section 58.700, Line 25, by inserting after all of said line the following:

"473.739. 1. Each public administrator, except in counties of the first class with a charter form of government, who does not receive at least twenty-five thousand dollars in fees as otherwise allowed by law shall receive annual compensation of four thousand dollars and each such public administrator who does not receive at least forty-five thousand dollars in fees may request the county salary commission for an increase in annual compensation and the county salary commission may authorize an additional increase in annual compensation not to exceed ten thousand dollars.

2. Two thousand dollars of the compensation authorized in this section shall be payable to the public administrator only if he has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the public administrator's office when approved by a professional association of the county public administrators of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each public administrator who completes the training program and shall send a list of certified public administrators to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county public administrator in the same manner as other expenses as may be appropriated for that purpose."

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 29, Section 56.600, Line 10, by inserting after all of said line the following:

"57.295. In each county of this state the sheriff and each full-time deputy sheriff shall receive, at the discretion of the county commission, twenty-five dollars per month, as a uniform allowance, and may receive, at the discretion of the county commission, not in excess of a total of [sixty-five] **one hundred** dollars per month, as a uniform allowance, to be paid to him **or her** monthly out of the county treasury. This allowance shall apply only to sheriffs and deputy sheriffs who wear an official uniform in performance of their duty."; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 17, Section 53.270, Line 1, by placing an opening bracket "[" immediately after the word "more"; and

Further amend said line by placing a closing bracket "]" immediately after the word "consecutive".

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 25, Section 56.265, Lines 1 to 35, by deleting all of said lines and inserting in lieu thereof the following:

"56.265. 1. The county prosecuting attorney in any county, other than in a [first class] chartered county **of the first classification**, shall receive an annual salary computed as set forth in the following schedule, **when applicable**. The population factor shall be as disclosed in the last preceding federal decennial census and the assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation received by any person holding the office of prosecuting attorney on January 1, 1988.

(1) For a full-time prosecutor [in a county of the first or second class:

Assessed Valuation Amount

\$100,000,000 to 200,000,000 \$36,000

200,000,001 to 300,000,000 38,000

300,000,001 to 400,000,000 41,000

400,000,001 to 500,000,000 44,000

500,000,001 to 750,000,000 46,000

750,000,001 to 1,000,000,000 48,000

1,000,000,001 or more 50,000

Population Amount

Less than 50,000 \$ 9,000

50,001 to 75,000 11,000

75,001 to 100,000 12,000

100,001 or more 13,000], **the**

prosecutor shall receive compensation equal to the compensation of an associate circuit judge;"; and

Further amend said bill, Page 26, Section 56.265, Line 36, by deleting the numbers "[(2)] (3)" and inserting in lieu thereof the number "(2)"; and

Further amend said bill, Page 27, Section 56.265, Lines 60 through 67, by deleting all of said lines and inserting in lieu thereof the following:

"(3) In [second class] counties **of the second classification** which contain facilities which are operated by the department of corrections with a total average yearly inmate population in excess of two thousand persons, the prosecuting attorney shall receive thirteen thousand dollars per annum in addition to all other compensation provided by law; however, the total annual compensation of such prosecuting attorney holding office on January 1, 1988, shall not be increased by more than nine thousand dollars above the compensation which [he] **the prosecuting attorney** is receiving on January 1, 1988, during the term of office [he] **the prosecuting attorney** is serving at that time. The

provisions of this subdivision shall expire on December 31, 1998."; and

Further amend said bill, Page 27, Section 56.265, Line 68, by deleting the numbers "[(4)] (5) " and inserting in lieu thereof the number "(4)"; and

Further amend said bill, Page 29, Section 56.265, Line 127, by inserting after all of said line the following:

"6. The provisions of subdivision (3) of subsection 1 of this section and the provisions of subsections 2 and 3 of section 56.066 shall not apply to full-time prosecutors who are compensated pursuant to subdivision (1) of subsection 1 of this section."; and

Further amend said bill, Page 29, Sections 56.363 and 56.365, by deleting all of said sections and inserting in lieu thereof the following:

"56.363. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a full-time position in

County?

☐ Yes ☐ No

If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.

56.365. In any county in which the voters have passed the proposition pursuant to section 56.363, the prosecuting attorney shall devote full time to the prosecuting attorney's office, and, except for the performance of official duties, shall not engage in the practice of law."

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 34, Section 1, Line 7, by inserting immediately after said line the following:

"Section 2. The base salary for all court clerks II and III who work directly for a circuit or an associate circuit judge is increased two thousand dollars."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 10, Section 50.343, Line 53, by inserting after the "payable" the bracket "["; and

Further amend said bill, Page 11, Section 50.343, Line 54, by inserting after the word "officers" the following: "] immediately".

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 7, Section 50.333, Line 160, by inserting immediately after the word "employees" on said line the following:

"The rate of compensation for all county officers may be set as a group, although the change in compensation will not become effective until the next term of office for each officer."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 331**, as amended, and has again taken up and passed **SCS** for **HCS** for **HB 331**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 67**, entitled:

An Act to repeal sections 238.300, 238.302 and 238.325, RSMo 1994, relating to transportation corporations, and to enact in lieu thereof six new sections relating to the same subject.

With House Committee Amendment No. 1, House Amendment No. 1 to House Amendment No. 1, and House Amendment No. 1 as amended.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 67, Page 3, Section 238.362, Line 9, by inserting immediately after the word "but" the following: **"not"**.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 67, Page 2, Section 238.367, Line 10, by deleting on said line "1997" and inserting in lieu thereof "1998".

HOUSE AMENDMENT NO. 1

Amend Senate Bill 67, Page 1, In the Title, Line 3, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word and number "and 238.367" and inserting in lieu thereof the following: ", 238.367 and 1"; and

Further amend said bill, Page 5, Section 238.367, Line 37, by inserting after all of said line the following:

"Section 1. 1. The department of transportation shall whenever contracting for pavement markings upon Missouri highways require that the pavement marking material used for such new or replacement markings meet the following minimum standards:

(1) A state service life of no less than twelve months; and

(2) A minimum reflectivity of one hundred fifty millicandelas per lux per square meter at all times during the twelve-month service life.

2. If the pavement markings used upon the highways of this state after August 28, 1997, fails to meet the minimum reflectivity requirements of subsection 1 of this section at all times during the twelve-month service life, the manufacturer shall pay all costs for material and labor for the removal and replacement of such deficient areas of such highway pavement markings."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in SSA 1 for SCA 1 to HB 15 and has again taken up and passed HB 15, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted SCS for HB 13, as amended, and has again taken up and passed SCS for HB 13, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed HCS for SS for SB 248, entitled:

An Act to repeal sections 217.730, 302.225, 374.715, 429.470, 429.490, 476.010, 476.050, 476.055, 509.030, 511.500, 513.045, 543.335, 545.040, 545.050, 545.060 545.070, 545.240, 545.270, RSMo 1994, sections 217.305, 476.083, 476.385, 477.600, 478.466, 488.015, 488.020, 512.050, 559.027, 559.029 and 577.051, RSMo Supp. 1996, sections 57.290, 67.133, 429.090, 429.120, 452.345, 476.053, 479.260 and 511.510, as both versions of such sections appear in RSMo Supp. 1996, and section 595.045, RSMo Supp. 1996, contained in house committee substitute for senate bill no. 769, truly agreed to and finally passed by the second regular session of the eighty-eighth general assembly, relating to courts, and to enact in lieu thereof forty-four new sections relating to the same subject, with an emergency clause and an expiration date for a certain section.

With House Amendments Nos. 1, 2, 3, 4, 5 and 6; House Amendment No. 1 to House Amendment No. 7; House Amendment No. 7, as amended; House Substitute Amendment No. 1 for House Amendment No. 8; and House Amendments Nos. 9, 10 and 11.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 13, Section 476.010, Lines 1-2, by striking said line and inserting in lieu thereof the following: "476.010. The supreme court of the state of Missouri, the court of appeals [and], the circuit **divisions of the circuit** courts [in this state], **and any other division of the circuit courts keeping a record of the proceedings before the court**, shall be courts of record, and shall keep just and faithful records of their".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 14, Section 476.055, Line 11, by deleting the brackets around the word "2004" and further amend said bill, page 14, by deleting the word "2007".

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 32, Section 577.051, Line 39, by inserting immediately after said line the following:

"[590.140 1. A fee of up to two dollars may be assessed as costs in each court proceeding filed in any court in the state for violations of the general criminal laws of the state, including infractions, or violations of county or municipal ordinances, provided that no such fee shall be collected for nonmoving traffic violations, and no such fee shall be collected for violations of fish and game regulations, and no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court. For violations of the general criminal laws of the state or county ordinances, no such fee shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such fee shall be collected unless it is authorized by the municipal government where the violation occurred. Such fees shall be collected by the official of each respective court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances and to the treasurer of the municipality where the violation occurred in the case of violations of municipal ordinances. An additional dollar may be assessed as costs as provided in this section, and sent to the state treasury to the credit of the peace officer standards and training commission fund created in section 590.178. Any county or municipality not contributing to the peace officer standards and training commission fund shall not be entitled to any reimbursement from the fund. Such fees shall be in addition to the court costs and fees and limits on such court costs and fees established by section 66.110, RSMo, and section 479.260, RSMo.

2. Each county and municipality shall use all funds received under this section only to pay for the training required as provided in sections 590.100 to 590.180 or for the training of county coroners and their deputies. No county or municipality shall retain more than one thousand five hundred dollars of such funds for each certified law enforcement officer, candidate for certification employed by that agency or a coroner and the coroner's deputies. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipality treasury which assessed the costs.]

590.140. 1. A surcharge of up to two dollars may be assessed as costs in each criminal case involving violations of any county ordinance or a violation of any criminal or traffic laws of the state, including infractions, or violations of municipal ordinances, provided that no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Any such surcharge shall be authorized by the county or municipality and written notice given to the supreme court of such authorization prior to December first of the year preceding the state fiscal year during which such surcharge is to be collected and disbursed in the manner provided by sections 488.010 to 488.020, RSMo. If imposed by a municipality, such surcharges shall be collected by the clerk of the municipal court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the municipality where the violation occurred in cases of violations of municipal ordinances. If imposed by a county, such surcharges shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo. Such surcharges shall be payable to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances. An additional surcharge in the amount of one dollar shall be assessed as provided in this section, and shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo, and payable to the state treasury to the credit of the peace officer standards and training commission fund created in section 590.178. [Any county or municipality not enacting an order or ordinance effective prior to January 1, 1997, providing surcharges to the peace officer standards and training commission fund shall not be entitled to any reimbursement from the fund.] Such surcharges shall be in addition to the court costs and fees and limits on such court costs and fees established by section 66.110, RSMo, and section 479.260, RSMo.

2. Each county and municipality shall use all funds received under this section only to pay for the training required as provided in sections 590.100 to 590.180 or for the training of county coroners and their deputies. No county or municipality shall retain more than one thousand five hundred dollars of such funds for each certified law enforcement officer, candidate for certification employed by that agency or a coroner and the coroner's deputies. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipality treasury which assessed the costs."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 25, Section 488.015, Lines 27 and 30, by deleting the brackets on said lines and on line 30 by inserting the following between the words "rules" and "presented":

"and any proposed change shall be".

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 14, Section 476.055, Line 15, by adding after the word administration the following: "two members of the House of Representatives appointed by the Speaker of the House, two members of the Senate appointed by the President Pro Tem of the Senate."

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 24, Section 479.260, Line 12, by deleting the period "." at the end of said line and inserting in lieu thereof the following: "[.]; **provided that, each municipal court may establish a judicial education fund in an account under the control of the municipal court to retain one dollar of the fees collected on each case and to use the fund only to pay for:**

(1) The continuing education and certification required of the municipal judges by law or supreme court rule; and

(2) Judicial education and training for the court administrator and clerks of the municipal court.

Provided further, that no municipal court shall retain more than one thousand five hundred dollars in the fund for each judge, administrator or clerk of the municipal court. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipal treasury."

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 7

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 2, Section C, Line 3 of said section, by deleting the words "section 536.028" and replacing with "sections 376.1399 and 536.028", and

Further amend said amendment, page 2, Section C, line 7 of said section, by inserting after the word "No. 335" and "and Section 14 from Senate Amendment No. 26 to Senate Substitute for Senate Committee Substitute for House Substitute for House committee Substitute for House Bill No. 335".

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 1, In the Title, Line 2, by inserting immediately after the word "sections" the number "3.040,"; and

Further amend said bill, Page 1, In the Title, Line 3, by inserting immediately after the number "513.045," the numbers "536.021, 536.022, 536.023, 536.031,"; and

Further amend said bill, Page 1, In the Title, Line 5, by inserting immediately after the number "512.050," the numbers "536.024, 536.025, 536.050,"; and

Further amend said bill, Page 1, In the Title, Line 9, by inserting immediately after the word "assembly," the following: "and sections 376.1399 and 536.028 as truly agreed to and finally passed by the first regular session of the

89th general assembly in Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, and section 14 from Senate Amendment No. 26 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335 as truly agreed to and finally passed by the first regular session of the 89th general assembly,"; and

Further amend said bill, Page 1, In the Title, Line 10, by deleting the word "forty-four" and inserting in lieu thereof the word "fifty-six"; and

Further amend said bill, Page 1, In the Title, Line 11, by inserting immediately after the word "with" the following: "a conditional effective date for certain sections,"; and

Further amend said bill, Page 37, Section B, Line 12, by inserting after all of said line the following:

"Section C. Sections 3.040, 536.021, 536.022, 536.023 and 536.031, RSMo 1994, and sections 536.024, 536.025 and 536.050, RSMo Supp. 1996, and section 536.028 as truly agreed to and finally passed by the first regular session of the 89th general assembly in Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 3.040, 21.800, 536.019, 536.020, 536.021, 536.022, 536.023, 536.024, 536.025, 536.031, 536.046 and 536.050, to read as follows:

3.040. No law relating to the bonded indebtedness of the state, no law of incorporation, no law for the appropriation of money, no memorial or joint resolution, no law or part of law of a private, local or temporary nature **and no law enacted pursuant to section 21.800, RSMo**, shall be published in the revised statutes or supplements or pocket parts thereto, but all such laws and provisions not expressly repealed shall continue in force or expire, according to their respective provisions or limitations.

21.800. 1. Each regular legislative session, the house of representatives and senate shall propose a bill titled, "an act relating to the implementation of law existing prior to the effective date of this legislation".

2. Such bill shall contain subject matter to implement the provisions of existing law. An agency may make recommendations to the general assembly to implement the provisions of law.

3. Such legislation if it becomes actual law shall be printed pursuant to the provisions of section 3.040, RSMo, and section 536.031, RSMo.

4. This section shall become effective only upon the expiration of twenty calendar days following the rescission of the governor's executive order number 97-97.

[376.1399. 1. The director may, after notice and hearing, promulgated reasonable rules to carry out the provisions of sections 376.1350 to 376.1390. The director shall have the authority to promulgate rules to accomplish the following purposes:

(1) To regulate the internal affairs of the department of insurance;

(2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and

(3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 376.1350 to 376.1390.

2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 376.1350 to 376.1390 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 376.1350 to 376.1390 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or

postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.]

536.019. 1. Notwithstanding any provision of law to the contrary, including any law passed during the 1997 legislative session, except as provided by subsection 2 of this section, all rulemaking authority to state agencies is hereby rescinded.

2. Any agency may promulgate procedural or emergency rules if such agency files such rules with the joint committee on administrative rules pursuant to the provisions of section 536.024 or 536.025 and complies with the provisions of this chapter.

3. In a contested case involving procedural rules, the court shall award reasonable fees and expenses to any person who prevails against the state. The burden of proof in any court proceeding shall be on the agency to prove that such rules are procedural and not substantive.

4. A rule promulgated as a procedural rule is void if a court determines that the rule is, in fact, substantive.

5. The provisions of this section shall not be construed to rescind rules which have been promulgated before August 28, 1997.

6. For the purposes of this section, the following terms mean:

(1) "Prevails", obtains a favorable order, decision, judgment or dismissal in a civil action or agency proceeding;

(2) "Procedural rule", rules which prescribe the manner in which substantive rights and responsibilities may be exercised and enforced;

(3) "Reasonable fees and expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test or project which is found by the court or agency to be necessary for the preparation of the party's case, and reasonable attorney or agent fees.

7. This section shall become effective only upon the expiration of twenty calendar days following the rescission of the governor's executive order number 97-97.

536.020. 1. In addition to seeking information by other methods, an agency may solicit comments from the public on the subject matter of a rule that the agency is considering proposing. The agency may file a notice of the rule under consideration as a proposed rulemaking with the secretary of state for publication in the Missouri Register as soon as practicable after the filing thereof in the secretary's office. The notice may contain the number and the subject matter of the rule as well as a statement indicating where, when, and how persons may comment.

2. Each agency may also appoint committees to comment on the subject matter of a rule that the agency is considering proposing. The membership of those committees must be published at least annually in the Missouri Register.

536.021. 1. No rule shall hereafter be made, amended or rescinded by any state agency unless such agency shall first file with the secretary of state a notice of proposed rulemaking and a subsequent **final order of rulemaking, both of which shall be published in the Missouri Register by the secretary of state as soon as practicable after the filing thereof in [his] **that** office; except that a notice of proposed rulemaking is not required for the establishment of hunting or fishing seasons and limits or for the establishment of state program plans required under federal education acts or regulations. **The secretary of state shall not publish any proposed rulemaking or final order of rulemaking that****

has not been filed with the joint committee on administrative rules in accordance with section 536.024.

2. A notice of proposed rulemaking shall contain:

(1) An explanation of any new rule or any change in an existing rule, and the reasons therefor;

(2) The legal authority pursuant to which the rule is proposed to be made;

(3) The text of the entire rule proposed to be made or the entire text of any affected section or subsection of a rule which is proposed to be amended, with all new matter underlined or printed in boldface type and with all deleted matter placed in brackets, except that when a proposed rule consists of material so extensive that the publication thereof would be unduly cumbersome or expensive, the secretary of state need publish only a summary and description of the substance of the rule so long as a complete copy of the rule is made immediately available to any interested person upon application to the adopting state agency at a cost not to exceed the actual cost of reproduction. A proposed rule may incorporate by reference only if the material so incorporated is retained at the headquarters of the state agency and made available to any interested person at a cost not to exceed the actual cost of the reproduction of a copy. When a proposed amendment is to correct a typographical or printing error, or merely to make a technical change not affecting substantive matters, the amendment may be described in general terms without reprinting the entire rule, section or subsection;

(4) The number and general subject matter of any rule proposed to be rescinded;

(5) Notice that anyone may file a statement in support of or in opposition to the proposed rulemaking at a specified place and within a specified time not less than thirty days after publication of the notice of proposed rulemaking in the Missouri Register;

(6) Notice of the time and place of a hearing on the proposed rulemaking if a hearing is ordered, which hearing shall be not less than thirty days after publication of the notice of proposed rulemaking in the Missouri Register; or a statement that no hearing has been ordered if such is the case.

3. Any state agency issuing a notice of proposed rulemaking may order a hearing thereon, but no such hearing shall be necessary unless otherwise required by law.

4. Any state agency which has issued in the Missouri Register a notice of proposed rulemaking to be made without a hearing, but which thereafter concludes that a hearing is desirable, shall withdraw the earlier notice and file a new notice of proposed rulemaking which fully complies with the provisions of subdivision (6) of subsection 2 of this section, and the state agency shall not schedule the hearing for a time less than thirty days following the publication of the new notice.

5. Within ninety days after the expiration of the time for filing statements in support of or in opposition to the proposed rulemaking, or within ninety days after the hearing on such proposed rulemaking if a hearing is held thereon, the state agency proposing the rule shall file with the secretary of state [an] **a final** order of rulemaking either adopting the proposed rule, with or without further changes, or withdrawing the proposed rule, which order shall be published in the Missouri Register. **Such ninety days shall be tolled for any rule held under abeyance pursuant to an executive order. If the agency fails to file the final order of rulemaking with the secretary of state within the time period specified within this subsection, the proposed rule shall lapse.** The order of rulemaking shall contain:

(1) Reference to the date and page or pages where the notice of proposed rulemaking was published in the Missouri Register;

(2) An explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change;

(3) The full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking;

(4) A brief summary of the general nature and extent of comments submitted in support of or in opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with said rulemaking, together with a concise summary of the state agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule.

6. Except as provided [in subsection 4 of section 536.023 and] in section 536.025, any rule, or amendment or rescission thereof, made after January 1, 1976, shall be void unless made in accordance with the provisions of this section.

7. **Except as provided in subsection 1 of this section**, all rules shall be published in full in the Missouri code of state regulations. No rule, except an emergency rule, may become effective prior to the thirtieth day after the date of publication of the revision to the Missouri code of state regulations. The secretary of state shall distribute revisions of the Missouri code of state regulations to all subscribers of the Missouri code of state regulations on or before the date of publication of such revision. The publication date of each rule shall be printed below the rule in the Missouri code of state regulations, provided further, that rules pertaining to changes in hunting or fishing seasons and limits that must comply with federal requirements or that are necessary because of documented changes in fish and game populations may become effective no earlier than on the tenth day after the filing of the order of rulemaking.

8. Effective September 1, 1990, if it is found in a contested case by an administrative or judicial fact finder that a state agency's action was based upon a statement of general applicability which should have been promulgated as a rule, as required by sections 536.010 to 536.050, and that agency was put on notice of such deficiency prior to the administrative or judicial hearing on such matter, then the administrative or judicial fact finder shall award the prevailing nonstate party its reasonable attorney's fees incurred prior to the award, not to exceed the amount in controversy in the original action. This award shall constitute a reviewable order. If a state agency in a contested case grants the relief sought by the nonstate party prior to a finding by an administrative or judicial fact finder that the agency's action was based on a statement of general applicability which should have been promulgated as a rule, but was not, then the affected party may bring an action in the circuit court of Cole County for [his] **such party's** reasonable attorney's fees incurred prior to the relief being granted, not to exceed the amount in controversy in the original action.

9. The actions authorized by subsection 8 of this section shall not apply to the department of revenue if that department implements the authorization hereby granted to the director or [his] **the director's** duly authorized agents to issue letter rulings which shall bind [him or his] **the director or such** agents and their successors for a minimum of three years, subject to the terms and conditions set forth in properly published regulations. An unfavorable letter ruling shall not bind the applicant and shall not be appealable to any forum. Subject to appropriations, letter rulings shall be published periodically with information identifying the taxpayer deleted. For the purposes of this subsection, the term "letter ruling" means a written interpretation of law by the director to a specific set of facts provided by a nonstate party.

536.022. 1. If any rule or portion of a rule of a state agency is suspended or terminated by action of [the general assembly,] the governor, a court or other authority, the state agency shall immediately file a notice of such action with the secretary of state.

2. The notice, in a format for publication designed by the secretary of state, shall contain the title and number of the rule; shall describe briefly the action taken with regard to the rule and the parties affected by the suspension or termination; shall state the effective date of the suspension or termination; shall state the duration of the suspension; and shall contain such other information deemed necessary by the secretary of state to provide adequate public information.

3. If any action has the effect of changing the information in the initial notice, the state agency shall immediately file a new notice with the secretary of state in the same manner as the original notice.

4. Notices shall be printed by the secretary of state in the Missouri Register as soon as practicable. The secretary of state shall insert in the code of state regulations material regarding the suspension or termination of rules, and [he] **the secretary of state** may remove rules which have terminated.

536.023. 1. The secretary of state shall prescribe, in writing, uniform procedures for the numbering, indexing, form and publication of all rules, notices of rulemaking and orders of rulemaking. Copies of the procedures [shall be

furnished by the secretary of state to each state agency on or before January 1, 1976, and copies thereof] shall be permanently maintained in the office of the secretary of state and shall be available for public inspection at all reasonable times.

2. No rule, notice of proposed rulemaking or **final** order of rulemaking shall be accepted for filing with the secretary of state unless it conforms to said uniform procedures.

3. Each state agency shall adopt as a rule a description of its organization and general courses and methods of its operation and the methods and procedures whereby the public may obtain information or make submissions or requests. Substantial changes in any matter covered by the foregoing description shall be made only in accordance with the procedures set forth in sections 536.021 or 536.025.

[4. All rules on file with the secretary of state upon January 1, 1976, which do not conform to said uniform procedures, shall be rewritten so as to conform thereto and shall be refiled with the secretary of state not later than ninety days after January 1, 1976, and no rule shall be promulgated, amended or rescinded during said ninety-day period except pursuant to section 536.025. The original rules shall remain in effect until rewritten and refiled, and the rewritten rules shall become effective immediately upon refiled without following the provisions of section 536.021; provided, however, that any rule which is not so rewritten and refiled within ninety days after January 1, 1976, shall then lapse and be of no further force and effect unless and until it shall be promulgated in accordance with the provisions of section 536.021.]

536.024. 1. When the general assembly authorizes any state agency to adopt administrative rules or regulations pursuant to this section, the granting of such rulemaking authority and the validity of such rules and regulations is contingent upon the agency complying with the provisions of this section in promulgating such rules after June 3, 1994.

2. [No rule or portion of a rule promulgated under the authority of any provision of Missouri statutes shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided herein, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided herein.

3.] Upon filing any proposed rule with the secretary of state, the filing agency shall concurrently submit such proposed rule to the **joint committee on administrative rules**, which may hold hearings upon any proposed rule or portion thereof at any time.

[4.] **3.** A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. [If the committee does not disapprove such order of rulemaking within the thirty-day period, the filing agency may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

5. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based;
- (5) The proposed rule is arbitrary and capricious.

6. If the committee disapproves any rule or portion thereof, the filing agency shall not file such disapproved portion

of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

7. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

8. Upon adoption of a rule as provided herein, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the constitution, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.

9.] 4. The committee may file with the secretary of state any comments that the committee has concerning a proposed or final order of rulemaking. Such comments shall be published in the Missouri Register.

5. The committee may refer comments concerning such rule to the appropriations and budget committee of the house of representatives and the appropriations committee of the senate for further action.

6. The provisions of this section shall not apply to rules promulgated by the public service commission and the labor and industrial relations commission.

536.025. 1. A rule may be made, amended or rescinded by a state agency without following the provisions of section 536.021 [and subsection 5 of section 536.027], only if the state agency:

(1) Finds that an immediate danger to the public health, safety or welfare requires emergency action **or that the rule is necessary to preserve a compelling governmental interest;**

(2) Follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances;

(3) Follows procedures which comply with the protections extended by the Missouri and United States Constitutions;

(4) Limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure; and

(5) At the time of or prior to the adoption of such rule files with the secretary of state and the joint committee on administrative rules the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare **or that the rule is necessary to preserve a compelling governmental interest** which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

2. Material filed with the secretary of state and the joint committee on administrative rules under the provisions of subdivision (5) of subsection 1 of this section shall be published in the Missouri Register by the secretary of state as soon as practicable after the filing thereof. Any [emergency] rule **promulgated pursuant to this section** shall be reviewed by the secretary of state to determine compliance with the requirements for its publication and adoption established in this section, and in the event that the secretary of state determines that such proposed material does not meet those requirements, the secretary of state shall not publish the [emergency] rule. The secretary of state shall inform the agency of its determination, and offer the agency a chance to either withdraw the emergency rule or to have the emergency rule published as a proposed rule.

3. [If the joint committee disapproves any emergency rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No emergency rule or portion thereof disapproved by the committee shall take effect unless the senate and the house of representatives fail to ratify the action of the joint committee by resolution

adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

4.] Rules adopted under the provisions of this section shall be known as "emergency rules" and shall, along with the findings and conclusions of the state agency in support of its employment of emergency procedures, be judicially reviewable under section 536.050 or other appropriate form of judicial review. The secretary of state and any employee thereof, acting in the scope of employment, shall be immune from suit in actions regarding the adoption of rules pursuant to this section.

[5.] **4.** A rule adopted under the provisions of this section shall clearly state the interval during which it will be in effect [and which, in no case, may be for a period exceeding one hundred eighty days]. **Emergency rules shall not be in effect for a period exceeding one hundred eighty calendar days or thirty legislative days, whichever period is longer. For the purposes of this section, a "legislative day" is each Monday, Tuesday, Wednesday and Thursday beginning the first Wednesday after the first Monday in January and ending the first Friday after the second Monday in May, regardless of whether the legislature meets.**

[6.] **5.** A rule adopted under the provisions of this section shall not be renewable, although a state agency may, at any time, adopt an identical rule under normal rulemaking procedures.

[7.] **6.** A rule adopted under the provisions of this section may be effective not less than ten days after the filing thereof in the office of the secretary of state, or at such later date as may be specified in the rule, and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the Missouri Register as soon as practicable after the filing thereof.

[8.] **7.** Effective September 1, 1994, if it is found in a contested case by an administrative or judicial fact finder that a state agency's rule should not have been promulgated as an emergency rule as provided by this section, but was in fact promulgated as an emergency rule pursuant to this section, then the administrative or judicial fact finder shall award the [prevailing] party **who prevails, as defined in section 536.019**, its reasonable [attorney's fees incurred prior to the award, not to exceed the amount in controversy, if any, in the original action] **fees and expenses, as defined in section 536.019**. This award shall constitute a reviewable order. If a state agency in a contested case grants the relief sought by the party prior to a finding by an administrative or judicial fact finder that the state agency's action was based on a statement of general applicability which should not have been promulgated as an emergency rule, but was in fact promulgated as an emergency rule pursuant to this section, then the affected party may bring an action in circuit court of Cole County for his reasonable [attorney's fees incurred prior to the relief being granted, not to exceed the amount in controversy in the original action] **fees and expenses, as defined in section 536.019**.

[536.028. 1. The delegation of authority to any state agency to propose to the general assembly rules as provided under this section is contingent upon the agency complying with the provisions of this section and this delegation of legislative power to the agency to propose an order of rulemaking containing a rule or portion thereof that has the effect of substantive law, other than a rule relating to the agency's organization and internal management, is contingent and dependent upon the power of the general assembly to review such proposed order of rulemaking, to delay the effective date of such proposed order of rulemaking until the expiration of at least thirty legislative days of a regular session after such order is filed with the general assembly and the secretary of state, and to disapprove and annul any rule or portion thereof contained in such order of rulemaking.

2. No rule or portion of a rule that has the effect of substantive law shall become effective until the order of rulemaking, in which such rule or portion thereof is contained, has been reviewed by the general assembly in accordance with the procedures provided herein and the agency's authority to propose an order of rulemaking is dependent upon the power of the general assembly to disapprove and annul any such proposed rule or portion thereof as provided herein.

3. In order for the general assembly to have an effective opportunity to be advised of rules proposed by any state agency under the authority of this section, an agency may propose a rule by complying with the procedures provided in section 536.021, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy thereof to the joint committee on administrative rules which may hold hearings upon any proposed

rule or portion thereof at any time. The agency shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information within the control of the agency as may be requested.

4. In order to propose an order of rulemaking to the general assembly, the agency shall comply with the provisions of section 536.021, except that the agency may file a proposed order of rulemaking with the secretary of state only by first filing such proposed order with the general assembly by providing a copy thereof to the secretary of the senate and the clerk of the house of representatives. The president pro tem of the senate shall direct that a copy of the proposed order of rulemaking be delivered to the joint committee on administrative rules which may hold hearings thereon. The agency shall cooperate with the committee by providing any witnesses, documents or information within the control of the agency as may be requested.

5. Such proposed order of rulemaking shall not become effective prior to the expiration of thirty legislative days of a regular session after such order is filed with the secretary of state and the general assembly.

6. The committee may, by majority vote of its members, recommend that the general assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and, upon a finding that such rule or portion thereof should be disapproved and annulled upon the following grounds:

(1) Such rule is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity; and

(2) Such rule or portion thereof is not in the public interest or is not authorized by the general assembly for one or more of the following grounds:

(a) An absence of statutory authority for the proposed rule;

(b) The proposed rule is in conflict with state law;

(c) Such proposed rule is likely to substantially endanger the public health, safety or welfare;

(d) The rule exceeds the purpose, or is more restrictive than is necessary to carry out the purpose, of the statute granting rulemaking authority;

(e) A substantial change in circumstance has occurred since enactment of the law upon which the proposed rule is based as to result in a conflict between the purpose of the law and the proposed rule, or as to create a substantial danger to public health and welfare;

(f) The proposed rule is so arbitrary and capricious as to create such substantial inequity as to be unreasonably burdensome on persons affected.

7. Any recommendation or report issued by the committee pursuant to subsection 6 of this section shall be admissible as evidence in any judicial proceeding and entitled to judicial notice without further proof.

8. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and annul any rule or portion thereof upon one or more of the grounds stated in subsection 6 of this section.

9. Any rule or portion thereof not disapproved within thirty legislative days of a regular session pursuant to subsection 8 of this section shall be deemed approved by the general assembly and the secretary of state may publish such order of rulemaking as soon as practicable upon the expiration of thirty legislative days of a regular session after the order of rulemaking was filed with the secretary of state and the general assembly.

10. Upon adoption of such concurrent resolution as provided in subsection 8 of this section, the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor, or vetoed and subsequently acted upon by the general assembly pursuant to article III, section 32 of the

Missouri Constitution. If such concurrent resolution is adopted and signed by the governor or reconsidered pursuant to article III, section 32, the secretary of state shall publish in the Missouri Register, as soon as practicable, the order of rulemaking along with notice of the proposed rules or portions thereof which are disapproved and annulled by the general assembly.

11. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable and the delegation of legislative authority to an agency to propose orders of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly to review, to delay the effective date or to disapprove and annul a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking pursuant thereto shall be invalid and void.

12. Nothing in this section shall prevent the general assembly from adopting by bill within thirty legislative days of a regular session the rules or portions thereof, or as the same may be amended, as contained in a proposed order of rulemaking. In that event, the proposed order of rulemaking shall have been superseded and any rule proposed therein shall be void and only such rules adopted by the general assembly and submitted to the governor may become effective. Rules so adopted shall be published by the secretary of state as soon as practicable. In that event, the secretary of state shall not publish the proposed order of rulemaking and such proposed order of rulemaking shall be invalid and void.

13. Upon adoption of any rule now in effect or hereafter promulgated, any such rule or portion thereof may be revoked by the general assembly either by bill, or by concurrent resolution pursuant to article IV, section 8 of the constitution on recommendation of the committee on administrative rules upon the grounds listed in subsection 6 of this section. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the revocation.]

536.031. 1. There is established a publication to be known as the "Code of State Regulations", which shall be published by the secretary of state as soon as practicable after ninety days following January 1, 1976, and may be republished from time to time thereafter as determined by the secretary of state.

2. The code of state regulations shall contain the full text of all rules of state agencies in force and effect upon the effective date of the first publication thereof, and effective September 1, 1990, it shall be revised no less frequently than monthly thereafter so as to include all rules of state agencies subsequently made, amended or rescinded **and the full text of any law enacted pursuant to section 21.800, RSMo.** The code may also include citations, references, or annotations, prepared by the state agency adopting the rule or by the secretary of state, to any intraagency ruling, attorney general's opinion, determination, decisions, order, or other action of the administrative hearing commission, or any determination, decision, order, or other action of a court interpreting, applying, discussing, distinguishing, or otherwise affecting any rule published in the code.

3. The code of state regulations shall be published in looseleaf form in one or more volumes and with an appropriate index and cover, and revisions in the text and index may be made by printing additional pages for insertion in the looseleaf cover.

4. The secretary of state may omit from the code of state regulations such rules and such material incorporated by reference in any rule the publication of which would be unduly cumbersome or expensive, provided that the full text of such rule or the full text of the material incorporated by reference is made available to any interested person at both the office of the secretary of state and the office of the adopting state agency, and copies thereof made available to any interested party at a cost not to exceed the actual cost of copy reproduction.

5. The courts of this state shall take judicial notice, without proof, of the contents of the code of state regulations.

536.046. Each agency may maintain a public rulemaking docket. The rulemaking docket may contain a listing of the precise subject matter of each rule that the agency is considering proposing. The docket may also contain the name and address of agency personnel with whom persons may communicate with respect to the matter and an indication of the present status within the agency of the rule the agency is considering proposing. The secretary of state may publish such rulemaking dockets.

536.050. 1. The power of the courts of this state to render declaratory judgments shall extend to declaratory judgments respecting the validity of rules, or of threatened applications thereof, and such suits may be maintained against agencies whether or not the plaintiff has first requested the agency to pass upon the question presented. The venue of such suits against agencies shall, at the option of the plaintiff, be in the circuit court of Cole County, or in the county of the plaintiff's residence, or if the plaintiff is a corporation, domestic or foreign, having a registered office or business office in this state, in the county of such registered office or business office. Nothing herein contained shall be construed as a limitation on the declaratory or other relief which the courts might grant in the absence of this section.

2. Any person bringing an action under subsection 1 of this section shall not be required to exhaust any administrative remedy if the court determines that:

(1) The administrative agency has no authority to grant the relief sought or the administrative remedy is otherwise inadequate; or

(2) The only issue presented for adjudication is a constitutional issue or other question of law; or

(3) Requiring the person to exhaust any administrative remedy would result in undue prejudice because the person may suffer irreparable harm if unable to secure immediate judicial consideration of the claim. Provided, however, that the provisions of this subsection shall not apply to any matter covered by chapters 288, 302, and 303, RSMo.

3. A party who prevails in an action brought pursuant to subsection 1 of this section shall be awarded reasonable fees and expenses, as defined in section 536.085, incurred by that party in the action.

4. A party seeking an award of fees and other expenses shall, within thirty days of a final disposition of an action brought pursuant to subsection 1 of this section, submit to the court which rendered the final disposition or judgment an application which shows that the party is a prevailing party and is eligible to receive an award pursuant to this section, and the amount sought, including an itemized statement from any attorney or expert witness representing or appearing in behalf of the party stating the actual time expended and the rate at which fees and other expenses are computed.

5. A prevailing party in an agency proceeding shall submit an application for fees and expenses to the court before which the party prevailed. The filing of an application shall not stay the time for appealing the merits of a case. When the state appeals the underlying merits of an adversary proceeding, no decision on the application for fees and other expenses in connection with that adversary proceeding shall be made pursuant to this section until a final and unreviewable decision is rendered by the court on the appeal or until the underlying merits of the case have been finally determined pursuant to the appeal.

6. The court may either reduce the amount to be awarded or deny any award, to the extent that the prevailing party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy.

7. The decision of a court on the application for reasonable fees and expenses shall be in writing, separate from the judgment or order of the court which determined the prevailing party, and shall include written findings and conclusions and the reason or basis therefor. The decision of a court on the application for fees and other expenses shall be final, subject respectively to appeal or judicial review.

8. If a party or the state is dissatisfied with a determination of fees and other expenses made in an action brought pursuant to subsection 1 of this section, that party or the state may, within the time permitted by law, appeal that order or judgment to the appellate court having jurisdiction to review the merits of that order or judgment. The appellate court's determination shall be based solely on the record made before the court below. The court may modify, reverse or reverse and remand the determination of fees and other expenses if the court finds that the award or failure to make an award of fees and other expenses, or the calculation of the amount of the award, was arbitrary and capricious, was unreasonable, was unsupported by competent and substantial evidence, or was made contrary to law or in excess of the court's jurisdiction. Awards made pursuant to this section shall be payable from amounts appropriated therefor. The state agency against which the award was

made shall request an appropriation to pay for the award.

[Section 14. 1. The director may, after notice and hearing, promulgate reasonable rules to carry out the provisions of sections 1 to 11. The director shall have the authority to promulgate rules to accomplish the following purposes:

- (1) To regulate the internal affairs of the department of insurance;
- (2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and
- (3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 1 to 11.

2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 1 to 11 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 1 to 11 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.]

Section D. Because immediate action is necessary to properly oversee the laws of this state, section C of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section C of this act shall be in full force and effect upon its passage and approval."

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 31, Section 559.029, Line 3, by inserting immediately after said line the following:

"559.615. No judge nor any person related within the third degree of consanguinity or affinity to a judge[,] **or any other elected county official with direct court supervision responsibilities**, may have a material financial interest in any private entity which contracts to provide probation supervision or rehabilitation services pursuant to sections 559.600 to 559.615."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 37, Line 13, by adding thereto the following:

"115.575. 1. All contested elections for the office of circuit or associate circuit judge not subject to the provisions of article V, section 25 of the state constitution shall be **filed in and** heard and determined by an adjoining circuit court selected by the contestant.

2. All contested elections on any office or question other than those provided for in sections 115.555, 115.563 and subsection 1 of this section shall be heard and determined by the circuit court of any circuit, selected by the contestant, in which all or any part of the election was held and in which any alleged irregularity occurred."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 29, Section 512.050, Lines 1-16, by deleting all of said lines and inserting in lieu thereof the following:

"512.050. When an appeal is permitted by law from a trial court and within the time prescribed, a party or his agent may appeal from a judgment or order by filing with the clerk of the trial court a notice of appeal. No such appeal shall be effective unless the notice of appeal shall be filed not later than ten days after the judgment or order appealed from becomes final [and]. All charges due to the court reporter for preparation of the transcript of the record of the trial court [are] **shall be** paid within ten days of the [filing of the notice of appeal] **ordering of the transcript**. In the event that actual charges due for the preparation of the transcript cannot be readily determined, a deposit in the amount of the estimated charges due for preparation of the transcript shall be paid within ten days of the [filing of the notice of appeal] **written notification by the court reporter of the amount of such estimated charges. The court reporter shall provide such written notification within ten days of any request for transcript**. After a timely filing of such notice of appeal, failure of the appellant to take any of the further steps to secure the review of the judgment or order appealed from does not affect the validity of the appeal, but is ground for such action as the appellate court deems appropriate, which may include dismissal of the appeal. [The docket fee of ten dollars in the appellate court shall be deposited with the clerk of the trial at the time of filing the notice of appeal.]".

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 2, Section A, Line 13, by inserting immediately after said line the following:

"[56.765. 1. A fee of one dollar shall be assessed as costs in each court proceeding filed in any court in the state for violation of a criminal law of the state, including an infraction; except that no such fee shall be collected for nonmoving traffic violations, except violation of weight limit and safety laws, and no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state or county on behalf of an indigent defendant.

2. Fifty cents of every dollar collected under the provisions of subsection 1 of this section shall be at least monthly paid by the clerk of the court wherein the costs are collected to the county treasurer who shall credit the same to established. The county treasurer shall at least monthly transmit the total dollar amount in the prosecuting attorneys training fund to the state treasurer who shall deposit the amount to the credit of the "Missouri Office of Prosecution Services Fund" which is hereby created. The moneys credited to the Missouri office of prosecution services fund from each county shall be used only for the purposes set forth in sections 56.750, 56.755, and 56.760, and no other moneys from either the state's general revenue or any other source except the sources described in section 56.760 shall be used to fund the Missouri office of prosecution services. The revenues and expenditures of the Missouri office of prosecution services shall be subject to an annual audit to be performed by the Missouri state auditor. The Missouri office of prosecution services shall also be subject to any other audit authorized and directed by the state auditor.

3. Fifty cents of every dollar collected under the provisions of subsection 1 of this section shall be paid at least monthly by the clerk of the court wherein the costs are collected to the county treasurer who shall deposit all of such funds into the county treasury in a separate fund to be used solely for the purpose of additional training for circuit and prosecuting attorneys and their staffs. If the funds collected and deposited by the county are not totally expended annually for the purposes set forth in this subsection, then the unexpended moneys shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year, or at the request of the circuit or prosecuting attorney, with the approval of the county commission or the appropriate governing body of the county or the city of St. Louis, and may be used to pay for expert witness fees, travel expenses incurred by victim/witnesses in case preparation and trial, for expenses incurred for changes of venue, for expenses incurred for special prosecutors, and for other lawful expenses incurred by the circuit or prosecuting attorney in operation of that office.]

56.765. 1. A surcharge of one dollar shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of a criminal or traffic law of the state, including an infraction; except that no such surcharge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state county or municipality.

2. One-half of the moneys collected under the provisions of subsection 1 of this section shall be payable to the state treasurer who shall deposit the amount to the credit of the "Missouri Office of the Prosecution Services Fund" which is hereby created. The moneys credited to the Missouri office of prosecution services fund from each county shall be used only for the purposes set forth in sections 56.750, 56.755, and 56.760, and no other moneys from either the state's general revenue or any other source except the sources described in section 56.760 shall be used to fund the Missouri office of prosecution services. **The Missouri office of prosecution services may collect a registration fee to pay for actual expenses included in sponsoring training conferences.** The revenues and expenditures of the Missouri office of prosecution services shall be subject to an annual audit to be performed by the Missouri state auditor. The Missouri office of prosecution services shall also be subject to any other audit authorized and directed by the state auditor.

3. One-half of all the moneys collected under the provisions of subsection 1 of this section shall be payable to the county treasurer of each county from which such funds were generated. The county treasurer shall deposit all of such funds into the county treasury into a separate fund to be used solely for the purpose of additional training for circuit and prosecuting attorneys and their staffs. If the funds collected and deposited by the county are not totally expended annually for the purposes set forth in this subsection, then the unexpended moneys shall remain in said fund to accumulate from year to year, or at the request of the circuit or prosecuting attorney, with the approval of the county commission or the appropriate governing body of the county or the city of St. Louis, and may be used to pay for expert witness fees, travel expenses incurred by victim/witnesses in case preparation and trial, for expenses incurred for changes of venue, for expenses special prosecutors, and for other lawful expenses incurred by the circuit or prosecuting attorney in operation of that office.

4. There is hereby established in the state treasury the "Missouri Office of Prosecution Services Revolving Fund". Any moneys received by or on behalf of the Missouri Office of Prosecution Services from registration fees, federal and state grants or any other source established in 56.760 in connection with the purposes set forth in sections 56.750, 56.755, and 56.760 shall be deposited into the fund.

5. The moneys in the Missouri Office of Prosecution Services Revolving Fund shall be kept separate and apart from all other moneys in the state treasury. The state treasurer shall administer the fund and shall disburse moneys from the fund to the Missouri office of prosecution services pursuant to appropriations for the purposes set forth in sections 56.750, 56.755, and 56.760.

6. Any unexpected balance remaining in the fund at each biennium shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in SCA 1 to **HB 17** and has again taken up and passed **HB 17** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in SCA 1 to **HB 19** and has again taken up and passed **HB 19** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SS** for **SCS** for **HS** for **HCS** for **HB 335**, as amended, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

PRIVILEGED MOTIONS

Senator Maxwell moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HB 335**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Westfall moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 89**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in Conference Committee Report on **SCS** for **HCS** for **HB 10** and grants the Senate further conference and the conferees be allowed to exceed the differences only in Sections 10.685 and 10.690 and not be bound.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 10**: Representatives: Lumpe, Carter, Foley, Burton and Shields.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SB 121**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator Quick, the Senate recessed for 10 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Wilson.

HOUSE BILLS ON THIRD READING

HCS for **HB 18**, with **SCS**, entitled:

An Act to appropriate money for planning, expenses, lease-purchases, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 18**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 18

An Act to appropriate money for planning, expenses, lease-purchases, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 18** be adopted, which motion prevailed.

On motion of Senator Lybyer, **HCS** for **SCS** for **HB 18** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Banks	Flotron	Maxwell--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate return **SCS** for **HCS** for **HB 10** to the House for purposes of adopting the original conference committee report, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 304, introduced by Representative Ransdall, et al, entitled:

An Act to repeal sections 578.151, 578.152 and 578.153, RSMo 1994, relating to interference with lawful hunting and trapping, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Russell.

Senator Rohrbach offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 304, Page 1, Section 578.151, Lines 1-4, by deleting after 578.151 all of said lines and renumbering the subsection accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

On motion of Senator Russell, **HB 304** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Curls--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 10** and requests a further conference on **SCS** for **HCS** for **HB 10**.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate refuse to grant further conference on **SCS** for **HCS** for **HB 10** and request the House to recede from its position and take up and adopt the conference committee report and pass **CCS** for **HB 10**, which motion prevailed.

Senator Howard moved that the Senate refuse to concur in the conference committee report on **HCS** for **HBs 600** and **388**, as amended, and request the House to grant further conference, which motion prevailed.

Senator Banks, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 347**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 347

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 347, with House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended and House Amendment No. 3; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for Senate Bill No. 347, with House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended and House Amendment No. 3;
- 2. That the Senate recede from its position on Senate Bill No. 347;
- 3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 347 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ J.B. "Jet" Banks /s/ Craig Hosmer
/s/ Harry Wiggins /s/ Paula J. Carter
/s/ Danny Staples /s/ Henry Rizzo
/s/ Betty Sims /s/ Connie Cierpiot
/s/ Roseann Bentley /s/ Dave Broach

Senator Banks moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell

Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--27	
Nays--Senators--None			
Absent--Senators			
Clay	Curls	Ehlmann	Flotron
Jacob	McKenna	Staples--7	
Absent with leave--Senators--None			

On motion of Senator Banks, **CCS** for **HCS** for **SB 347**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 347

An Act to repeal sections 191.677, 567.010 and 567.020, RSMo 1994, relating to sexual contact, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--27	
Nays--Senators--None			
Absent--Senators			
Clay	Curls	Ehlmann	Flotron
Jacob	McKenna	Staples--7	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator DePasco, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 142**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 142

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill 142, with House Amendments Nos. 1, 2, 3, 4 and 5; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 142, as amended;
2. That the Senate recede from its position on Senate Bill No. 142;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 142 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Ronnie DePasco /s/ Brian May

/s/ WilliamP. McKenna /s/ Jim O'Toole

/s/ Harold Caskey /s/ Henry Rizzo

/s/ Marvin Singleton /s/ Phil Wannenmacher

/s/ Walt Mueller /s/ Doug Gaston

Senator DePasco moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell

Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay	Curls--2
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Absent with leave--Senators--None

On motion of Senator DePasco, **CCS** for **HS** for **HCS** for **SB 142**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 142

An Act to repeal sections 367.044, 367.045, 367.047, 367.048, 367.050, RSMo 1994, relating to pawnbroker regulations, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay	Curls--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on SCS for **HB 655**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 655

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Committee Substitute for House Bill No. 655 with Senate Perfecting Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 655 with Senate Perfecting Amendment No. 1;
2. That the House recede from its position on House Bill No. 655;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 655 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Harold Caskey /s/ Brian May
/s/ David Klarich /s/ Scott Lakin
/s/ Jim Mathewson /s/ James O'Toole
/s/ John E. Scott /s/ Chuck Wooten
/s/ Sam Graves /s/ Chuck Pryor

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Nays--Senators--None

Absent--Senators--Clay--1

Absent with leave--Senators--None

On motion of Senator Caskey, **CCS** for **SCS** for **HB 655**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 655

An Act to repeal sections 143.411, 143.471, 347.020, 347.037, 347.039, 347.069, 347.081, 347.103, 347.109, 347.121, 347.125, 347.129, 347.133, 347.137, 347.141, 347.700, 347.705, 347.710, 355.066, 355.071, 355.197, 355.211, 355.221, 355.431, 355.471, 359.011, 359.061, 359.165, 359.201, 359.341, 359.351, 359.451, 408.035, 484.020 and 486.330, RSMo 1994, and sections 347.015, 347.187, 358.150, 358.440, and 358.510, RSMo Supp. 1996, relating to regulation of businesses, and to enact in lieu thereof forty-five new sections relating to the same subject with an emergency clause, and penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Nays--Senators--None

Absent--Senators--Clay--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay	Lybyer	Mathewson--3
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Absent with leave--Senators--None

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 10** and requests a further conference on **SCS** for **HCS** for **HB 10**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 18** and has again taken up and passed **SCS** for **HCS** for **HB 18**.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate grant further conference on **SCS** for **HCS** for **HB 10** and that the conferees be allowed to exceed the differences in Sections 10.685 and 10.690, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 10**: Senators Lybyer, Goode, Wiggins, Singleton and Russell.

PRIVILEGED MOTIONS

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **HBs 424** and **534**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 424 and 534

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Committee Substitute for House Bills Nos. 424 and 534, with Senate Committee Amendment No. 1, Senate Committee Amendment No. 2 and Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Amendment No. 1 and the emergency clause;
2. That the House Committee Substitute for House Bills Nos. 424 and 534 with Senate Committee Amendment No. 1 and Senate Committee Amendment No. 2 be Truly Agreed and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Harold L. Caskey /s/ Wayne Crump

/s/ Jim Mathewson /s/ Jerry E. McBride

/s/ Sam Graves /s/ Bill Ransdall

/s/ David Klarich /s/ Charles Ballard

/s/ Joe Maxwell /s/ Beth Long

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Schneider	Scott	Staples	Westfall
Wiggins	Yeckel--26		

Nays--Senators--Ehlmann--1

Absent--Senators

Clay	Lybyer	McKenna	Quick
Russell	Sims	Singleton--7	

Absent with leave--Senators--None

On motion of Senator Caskey, **HCS** for **HBs 424** and **534**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--Ehlmann--1

Absent--Senators

Clay	Flotron	Russell--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HS** for **HB 850**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 9**, with **SCA 1**, (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCA 1 was again taken up.

Senator Scott moved that the above amendment be adopted.

At the request of Senator Quick, the Senate recessed for 10 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

At the request of Senator Scott, **SB 9**, with **SCA 1** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 815, regarding Elaine F. Varnadore, which was adopted.

Senator Caskey offered Senate Resolution No. 816, regarding Onalee "Connie" Price, Harrisonville, which was adopted.

Senator Yeckel offered Senate Resolution No. 817, regarding David Lee Nelson, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 818, regarding Dorothea M. Jones, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 819, regarding Krystal R. Mitchell, Hillsboro, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Sister Jane, and twenty eighth grade students from Little Flower School, St. Louis.

Senator Singleton introduced to the Senate, Mike and Michelle Testman, and their children, Megan, April and Michael; and Alan and Beth Stephens, and their children, Alison and Andrea, Carl Junction; and Megan, April, Michael, Alison and Andrea were made honorary pages.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Monday, May 12, 1997.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-EIGHTH DAY--MONDAY, MAY 12, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Jesus said, "Whatsoever you would that men should do unto you do you even so unto them." We call this a golden rule and yet often behave as though it had no value. Help us to not only preach it, but to practice it. Help us to apply it to our day by day duties. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, May 9, 1997, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Clay offered Senate Resolution No. 820, regarding the Missouri Chapter of the African American Lutheran Association of the Evangelical Lutheran Church in America, which was adopted.

Senator Clay offered Senate Resolution No. 821, regarding Mr. Earl Wilson, Jr., St. Louis, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Mathewson moved that **HCS** for **HB 589**, with **SCS** and **SS** for **SCS**, as amended, (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 589**, as amended, was again taken up.

Senator House offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 589, Page 38, Section 536.028, Line 28, by inserting immediately after all of said line, the following:

"Section 1. The Director of the Department of Economic Development shall notify all businesses affected by Section 172.273, RSMo, in any county of the first classification with a population of at least two hundred thousand inhabitants that adjoins a county of the first classification with a population of at least nine hundred thousand inhabitants that the provisions of subsections 3 and 8 of section 172.273, RSMo, shall expire January 1, 1999 and said subsections shall expire on January 1, 1999."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Jacob offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 589, Page 17, Section 99.820, Line 2, by inserting immediately after said line the following:

"4. For purposes of this section, section 99.460 and Section 353.130, RSMo, no authority, city, county or urban redevelopment corporation shall have the right to acquire any real property by exercise of its power of eminent domain or use general revenue or other funds acquired by said authority to acquire real property, for the purpose of creating an excursion gambling boat project that is licensed or will be licensed pursuant to the provisions of sections 313.800 to 313.850, RSMo, by the Missouri gaming commission."

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Mathewson, Singleton, Kenney and Westfall.

Senator Rohrbach offered **SA 1** to **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 589, Page 1, Section 99.820, Line 9, by deleting all of said line and inserting in lieu thereof the following: "pursuant to a license applied for after the effective date of this act under the provisions".

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Johnson assumed the Chair.

SA 6 was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	McKenna	Mueller	Schneider
Sims	Singleton	Westfall--23	

Nays--Senators

Curls	Flotron	Mathewson	Maxwell
Quick	Rohrbach	Scott	Staples
Wiggins	Yeckel--10		

Absent--Senators--Russell--1

Absent with leave--Senators--None

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Klarich moved that the vote by which **SA 4** to **SS** for **SCS** for **HCS** for **HB 589** was adopted, be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	House	Johnson
Kenney	Klarich	Mathewson	Maxwell
McKenna	Quick	Scott	Staples
Wiggins	Yeckel--18		

Nays--Senators

Bentley	Ehlmann	Flotron	Goode
Graves	Howard	Jacob	Kinder
Lybyer	Mueller	Rohrbach	Schneider
Sims	Singleton	Westfall--15	

Absent--Senators--Russell--1

Absent with leave--Senators--None

SA 4 was again taken up.

At the request of Senator Mathewson, **HCS** for **HB 589**, with **SCS**, **SS** for **SCS**, as amended, and **SA 4** (pending), was placed on the Informal Calendar.

HB 207, with **SCS**, introduced by Representative Koller, entitled:

An Act to repeal section 301.560, RSMo Supp. 1996, relating to the motor vehicle commission, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Staples.

SCS for **HB 207**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 207

An Act to repeal sections 301.280, 301.550, 301.555, 301.557, 301.559, 301.562, 301.563, 301.564, 301.565, 301.568, 301.572 and 301.573, RSMo 1994, and sections 301.553, 301.560, 301.566 and 301.570, RSMo Supp. 1996, relating to the motor vehicle commission, and to enact in lieu thereof sixteen new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Staples moved that **SCS** for **HB 207** be adopted.

Senator Staples offered **SS** for **SCS** for **HB 207**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 207

An Act to repeal sections 301.280, 301.550, 301.555, 301.557, 301.559, 301.562, 301.563, 301.564, 301.565, 301.572 and 301.573, RSMo 1994, and sections 301.553, 301.560, 301.566 and 301.570, RSMo Supp. 1996, relating to the motor vehicle commission, and to enact in lieu thereof fifteen new sections relating to the same subject, with an emergency clause.

Senator Staples moved that **SS** for **SCS** for **HB 207** be adopted.

At the request of Senator Staples, **HB 207**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Quick moved that **HCS** for **HB 620**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HCS** for **HB 620** was again taken up.

Senator Mathewson assumed the Chair.

Senator Mueller offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 620, Page 4, Section 392.410, Line 7, by deleting all of said line.

Senator Mueller moved that the above amendment be adopted.

At the request of Senator Quick, **HCS** for **HB 620**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to concur in **HCS** for **SS** for **SB 11**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 335**, as amended: Senators Maxwell, Wiggins, Howard, Sims and Westfall.

On motion of Senator Quick, the Senate adjourned until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 822, regarding Mr. Gene Doughty, Fairview, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HB 472**, with **SCA 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HB 791** and requests the Senate to Recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken and adopted the Conference Committee Report on **HCS** for **SB 132**, as amended, and has taken up and passed **HCS** for **SB 132**, as amended by the Conference Committee Report.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken and adopted the Conference Committee Report on **HS** for **HCS** for **SB 142** and has taken up and passed **CCS** for **SB 142**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken and adopted the Conference Committee Report on **HCS** for **SB 347**, as amended, and has taken up and passed **CCS** for **SB 347**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **HCS** for **HBs 600** and **388** and the conferees be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has re-appointed the following conferees to act with a like committee from the Senate on **HCS** for **HBs 600** and **388**: Representatives: Carter, Harlan, Luetkenhaus, Sallee and Wooten.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 89**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SB 121**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken and adopted the Conference Committee Report on **SCS** for **HB 816** and has taken up and passed **SCS** for **HB 816**, as amended by the Conference Committee Report.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 11**, as amended, and grants the Senate a conference thereon.

PRIVILEGED MOTIONS

Senator Howard moved that the Senate conferees on **HCS** for **HBs 600** and **388**, as amended, be allowed to exceed the differences, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 89**, as amended: Senators Mathewson, Scott, Caskey, Westfall and Russell.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 11**, as amended: Senators Caskey, Mathewson, Scott, Graves and Westfall.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SB 121**, as amended: Senators Caskey, Curls, Wiggins, Graves and Sims.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **HBs 600** and **388**, as amended: Senators Howard, Banks, Clay, Klarich and Sims.

CONFERENCE COMMITTEE REPORTS

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 816**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 816

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 816, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for House Bill No. 816;
2. That the attached Conference Committee Amendment No. 1 to Senate Committee Substitute for House Bill No. 816 be adopted;
3. That the Senate Committee Substitute for House Bill No. 816 with Conference Committee Amendment No. 1 be passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jim Mathewson /s/ Marilyn Williams

/s/ Mike Lybyer /s/ Larry Thomason

/s/ Doyle Childers /s/ Doug Gaston

/s/ Marvin Singleton /s/ Sam Leake

/s/ Jerry Howard /s/ Ken Legan

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 816, Page 4, Section 650.325, Line 2, by inserting immediately before the word "**Committee**" the following: "**Advisory**"; and

Further amend said bill, Page 6, Section 650.330, Line 63, by inserting immediately before the word "**mediation**" the word "**requested**"; and

Further amend said bill, Page 6, Section 650.330, Line 64, by inserting immediately after the word "**services**" the following: "**, however, said committee shall not supersede decision making authority of local political subdivisions in regard to 911 services**".

Senator Mathewson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Clay	Curls	Ehlmann	Graves--4
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Absent with leave--Senators--None

On motion of Senator Mathewson, **SCS** for **HB 816**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay Staples--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Quick moved that **HCS** for **HB 620**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Mueller, the above amendment was withdrawn.

Senator Bentley offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 620, Section 392.410, Page 4, Line 7, by adding after the word "service" the following: "**or internet type services**".

Senator Bentley moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 620, Page 5, Section 392.410.7(4), by adding the following:

"(5) The political subdivision shall be liable in the same manner as if the services were provided by a non-governmental person for injury caused to any person by reason of negligence.".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SS** for **HCS** for **HB 620**, as amended, be adopted, which motion failed on a standing division vote.

HCS for **HB 620** was again taken up.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 620, Page 3, Section 392.410, Line 57, by inserting

immediately after all of said line the following:

"Section 1. No state or local statute or regulation, or any other state or local legal requirement may prohibit or have the effect of prohibiting the ability of any entity to provide any intrastate telecommunications service."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion failed.

Senator Wiggins resumed the Chair.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 620, Page 3, Section 392.410, Line 57, by adding after said line the following:

"8. If after one year from the effective date of this Act there is still only one provider of local exchange telecommunication services a political subdivision may provide the additional telecommunication services to:

- (1) An area designated by the political subdivision as an industrial park;
- (2) A municipal airport; and
- (3) Any governmental facility.

9. If after three years from the effective date of this Act there is only one local exchange telecommunications provider a political subdivision may lease any telecommunications service to a telecommunication provider or facility.".

Senator Jacob moved that the above amendment be adopted.

Senator Ehlmann offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 620, Page 3, Section 392.410, Line 57, by adding the following: "The provisions of this subsection shall expire on August 28, 2002.".

Senator Ehlmann moved that the above substitute amendment be adopted.

Senator Bentley offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to House Committee Substitute for House Bill No. 620, by inserting the word "2000" and deleting the word "2002".

Senator Bentley moved that the above amendment be adopted, which motion failed.

SSA 1 for **SA 2** was again taken up.

Senator Ehlmann moved that the above substitute amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Bill No. 620, Page 3, Section 392.410, Line 56, by striking the word "or" and further amend line 57, by inserting after the word "institution" the following: "; **or**

(5) Internet type services".

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Quick, **HCS** for **HB 620**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--27	

Nays--Senators

Goode	Jacob--2
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Absent--Senators

Banks	Flotron	McKenna	Russell
Schneider--5			

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

Senator Staples moved that **HB 207**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HB 207** was again taken up.

Senator Mathewson assumed the Chair.

Senator Staples offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 207, Page 30, Section 301.566, Line 14, by inserting after the word "location." the following: **"Nothing contained in this section shall be construed as applying to the sale of motor vehicle or trailer through either a wholesale motor vehicle auction or public motor vehicle auction."**

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 207, Page 1, In the Title, Line 6, by striking the following: "the motor vehicle commission" and inserting in lieu thereof the following: "motor vehicles"; and further amend line 8, by striking the following: "emergency clause" and inserting in lieu thereof the following: "effective date for certain sections and an emergency clause for certain sections"; and

Further amend said bill, page 34, section 301.573, line 26, by inserting immediately after all of said line the following:

"303.024. 1. Each insurer issuing motor vehicle liability policies in this state, or an agent of the insurer, shall furnish an insurance identification card to the named insured for each motor vehicle insured by a motor vehicle liability policy that complies with the requirements of sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

2. The insurance identification card shall include all of the following information:

(1) The name and address of the insurer;

(2) The name of the named insured;

(3) The policy number;

(4) The effective dates of the policy, including month, day and year;

(5) A description of the insured motor vehicle, including year and make or at least five digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five or more motor vehicles; **and**

(6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

3. A new insurance identification card shall be issued when the insured motor vehicle is changed, when an additional motor vehicle is insured, and when a new policy number is assigned. A replacement insurance identification card shall be issued at the request of the insured in the event of loss of the original insurance identification card.

4. The director shall furnish each self-insurer, as provided for in section 303.220, an insurance identification card for each motor vehicle so insured. The insurance identification card shall include all of the following information:

(1) Name of the self-insurer;

(2) The word "self-insured"; **and**

(3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

5. An insurance identification card shall be carried in the insured motor vehicle at all times. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any peace officer who lawfully stops such operator **or investigates an accident** while that officer is engaged in the performance of the **officer's** duties [of his office]. If the operator fails to exhibit an insurance identification card, the officer shall notify the director of revenue, in the manner determined by the director, **and the officer may issue a citation to the operator pursuant to subsection 6 of this section.** A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the policy information required in subsection 2 of this section, shall be satisfactory evidence of insurance in lieu of an insurance identification card.

6. Any person failing to exhibit an insurance identification card or other satisfactory evidence of insurance in lieu of such card upon the demand of any peace officer pursuant to this section is guilty of a class C misdemeanor. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of section 303.025 at the time the peace officer wrote the citation.

303.025. 1. No owner of a motor vehicle registered in this state, **or required to be registered in this state,** shall operate the vehicle, or authorize any other person to operate the vehicle, unless the owner maintains the financial responsibility as required in this section. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers [his] **the person's** operation of the other's vehicle. **Any person who violates this section is guilty of a class C misdemeanor.**

2. A motor vehicle owner shall maintain [his] **the owner's** financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state.

3. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed as prohibiting the department of insurance from approving or authorizing those exclusions and limitations which are contained in automobile liability insurance policies and the uninsured motorist provisions of automobile liability insurance policies.

303.026. 1. The director shall inform each owner who registers a motor vehicle of the following:

(1) The existence of the requirement that every motor vehicle owner in the state **must** maintain his financial responsibility;

(2) The requirement that every motor vehicle owner show an insurance identification card, or a copy thereof, or other proof of financial responsibility at the time of vehicle registration; this notice shall be given at least thirty days prior to the month for renewal and shall be shown in bold, colored print;

[(2)] (3) The penalties which apply to violations of the requirement to maintain financial responsibility;

[(3)] (4) The benefits of maintaining coverages in excess of those which are required;

[(4)] (5) The director's authority to conduct samples of Missouri motor vehicle owners to insure compliance.

2. No motor vehicle owner shall be issued registration for a vehicle unless the owner, or his authorized agent, signs a [statement] **affidavit** provided by the director of revenue at the time of registration of the vehicle certifying that such owner has and will maintain, during the period of registration, financial responsibility with respect to each motor vehicle that is owned, licensed or operated on the streets or highways. **The affidavit need not be notarized, but it shall be acknowledged by the person processing the form. The affidavit shall state clearly and in bold print the following: "Any false affidavit is a crime under section 575.050 of Missouri law." In addition, every motor vehicle owner shall show proof of such financial responsibility by presenting his or her insurance identification card, as**

described in section 303.024, or a copy thereof, or some other proof of financial responsibility in the form prescribed by the director of revenue at the time of registration unless such owner registers his vehicle in conjunction with a reciprocity agreement entered into by the Missouri highway reciprocity commission pursuant to sections 301.271 to 301.279, RSMo, or unless the owner insures the vehicle according to the requirements of the division of motor carrier and railroad safety pursuant to section 390.126, RSMo.

3. The director shall annually select for financial responsibility verification, a sample of the motor vehicle registrations or licenses which is statistically significant to determine the number of insured motorists in the state of Missouri, or to insure compliance. The director may utilize a variety of sampling techniques including but not limited to the processing of uniform traffic tickets, point system warning letters, and random surveys of motor vehicle registrations. **The director of revenue may verify the financial responsibility of any person reported under section 303.040.**

4. Upon determination that the information provided by the owner or authorized agent is inaccurate, the director shall notify the owner of the need to provide, within thirty days, information establishing the existence of the required financial responsibility as of the date of such notice. Failure to provide such information shall result in the suspension of all registrations of the owner's motor vehicles failing to meet such requirements, as is provided in section 303.041.

303.030. 1. If within twenty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of five hundred dollars, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection 2 of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment for damages resulting from such accident as may be recovered against each operator or owner. **Any person challenging the director's determination shall have the burden of proving he or she was not at fault.**

2. The director shall, within ninety days after the receipt of such report of a motor vehicle accident, suspend the license of each operator, and all registrations of each owner of a motor vehicle, in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided notice of such suspension shall be sent by the director to such operator and owner not less than ten days prior to the effective date of such suspension and shall state the amount required as security; provided, however, that the period of suspension provided for in this section shall be in addition to any period of suspension imposed under sections 303.041 and 303.042.

3. Where erroneous information is given the director with respect to the matters set forth in subdivision (1), (2) or (3) of subsection 4 of this section, he shall take appropriate action as hereinbefore provided, within forty-five days after receipt by him of correct information with respect to said matters.

4. This section shall not apply under the conditions stated in section 303.070, nor:

(1) To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

(2) To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

(3) To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; nor

(4) To any person qualifying as a self-insurer under section 303.220, nor to any person operating a motor vehicle for such self-insurer.

5. No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than ten thousand dollars because of injury to or destruction of property of others in any one accident.

303.043. Whenever a suspension is imposed under section 303.041, [the following] **a reinstatement [fees] fee of twenty dollars** shall be paid **before the license may be reinstated.** [prior to the end of the period of suspension provided in subsection 2 of section 303.042, and in the event such reinstatement fees are not paid the period of suspension shall be extended until such fees have been paid:

- (1) If the person's driving record shows no prior failure to maintain the required financial responsibility as provided for in section 303.025, the reinstatement fee shall be two hundred dollars;
- (2) If the person's driving record shows one prior suspension for failure to maintain the required financial responsibility as provided for in section 303.025, the reinstatement fee shall be four hundred dollars;
- (3) If the person's driving record shows two or more prior suspensions for failure to maintain the required financial responsibility as provided for in section 303.025, the reinstatement fee shall be eight hundred dollars.]

Section B. The repeal and reenactment of sections 303.024, 303.025, 303.026, 303.030 and 303.043 of this act shall become effective on January 1, 1998."; and

Further amend said bill, page 34, section B, line 27, by striking the following: "B" and inserting in lieu thereof the following: "C"; and further amend line 29, by striking the following: "this act is" and inserting in lieu thereof the following: "sections 301.280, 301.550, 301.553, 301.555, 301.557, 301.559, 301.560, 301.561, 301.562, 301.563, 301.564, 301.565, 301.566, 301.568, 301.570 and 301.573 of this act are"; and further amend line 31, by striking the word "is" and inserting in lieu thereof the word "are"; and further on page 27, line 32, by inserting immediately before "this act" the following: "sections 301.280, 301.550, 301.553, 301.555, 301.557, 301.559, 301.560, 301.561, 301.562, 301.563, 301.564, 301.565, 301.566, 301.568, 301.570 and 301.573 of"; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Staples raised the point of order that **SA 2** is out of order in that the amendment goes beyond the subject matter of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Staples, **HB 207**, with **SCS, SS** for **SCS, SA 2** and the point of order (pending), was placed on the Informal Calendar.

HS for **HCS** for **HB 472**, with **SCA 1**, entitled:

An Act to repeal section 288.038, RSMo 1994, and sections 288.036, 288.040, and 288.050, RSMo Supp. 1996, relating to unemployment compensation, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up by Senator Klarich.

SCA 1 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for House Bill No. 472, Page 1, In the Title, Line 3, by striking the words "unemployment compensation" and inserting in lieu thereof the following: "the department of labor and industrial relations programs"; and

Further amend said bill, Page 1, In the Title, Line 4, by inserting immediately after the word "subject" the following: ", with an effective date"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

"287.020. 1. The word "employee" as used in this chapter shall be construed to mean every person in the service of any employer, as defined in this chapter, under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of corporations. Any reference to any employee who has been injured shall, when the employee is dead, also include his dependents, and other persons to whom compensation may be payable. The word "employee" shall also include all minors who work for an employer, whether or not such minors are employed in violation of law, and all such minors are hereby made of full age for all purposes under, in connection with, or arising out of this chapter. [The word "employee" shall not include an individual who is the owner and operator of a motor vehicle which is leased or contracted with a driver to a for-hire common or contract motor vehicle carrier operating within a commercial zone as defined in section 390.020 or 390.041, RSMo, or operating under a certificate issued by the transportation division of the department of economic development or by the interstate commerce commission.]

2. The word "accident" as used in this chapter shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen identifiable event or series of events happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury. An injury is compensable if it is clearly work related. An injury is clearly work related if work was a substantial factor in the cause of the resulting medical condition or disability. An injury is not compensable merely because work was a triggering or precipitating factor.

3. (1) In this chapter the term "injury" is hereby defined to be an injury which has arisen out of and in the course of employment. The injury must be incidental to and not independent of the relation of employer and employee. Ordinary, gradual deterioration or progressive degeneration of the body caused by aging shall not be compensable, except where the deterioration or degeneration follows as an incident of employment.

(2) An injury shall be deemed to arise out of and in the course of the employment only if:

(a) It is reasonably apparent, upon consideration of all the circumstances, that the employment is a substantial factor in causing the injury; and

(b) It can be seen to have followed as a natural incident of the work; and

(c) It can be fairly traced to the employment as a proximate cause; and

(d) It does not come from a hazard or risk unrelated to the employment to which workers would have been equally exposed outside of and unrelated to the employment in normal nonemployment life;

(3) The terms "injury" and "personal injuries" shall mean violence to the physical structure of the body and to the personal property which is used to make up the physical structure of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other prostheses which are placed in or on the body to replace the physical structure and such disease or infection as naturally results therefrom. These terms shall in no case except as specifically provided in this chapter be construed to include occupational disease in any form, nor shall they be construed to include any contagious or infectious disease contracted during the course of the employment, nor shall they include death due to natural causes occurring while the worker is at work.

4. "Death" when mentioned as a basis for the right to compensation means only death resulting from such violence and its resultant effects occurring within three hundred weeks after the accident; except that in cases of occupational disease, the limitation of three hundred weeks shall not be applicable.

5. Without otherwise affecting either the meaning or interpretation of the abridged clause, "personal injuries arising out of and in the course of such employment", it is hereby declared not to cover workers except while engaged in or about the premises where their duties are being performed, or where their services require their presence as a part of such service.

6. A person who is employed by the same employer for more than five and one-half consecutive work days shall for the purpose of this chapter be considered an "employee".

7. The term "total disability" as used in this chapter shall mean inability to return to any employment and not merely mean inability to return to the employment in which the employee was engaged at the time of the accident.

8. As used in this chapter and all acts amendatory thereof, the term "commission" shall hereafter be construed as meaning and referring exclusively to the labor and industrial relations commission of Missouri, and the term "director" shall hereafter be construed as meaning the director of the department of insurance of the state of Missouri or such agency of government as shall exercise the powers and duties now conferred and imposed upon the department of insurance of the state of Missouri.

9. The term "division" as used in this chapter means the division of workers' compensation of the department of labor and industrial relations of the state of Missouri.

10. For the purposes of this chapter, the term "minor" means a person who has not attained the age of eighteen years; except that, for the purpose of computing the compensation provided for in this chapter, the provisions of section 287.250 shall control.

287.030. 1. The word "employer" as used in this chapter shall be construed to mean:

(1) Every person, **or sole proprietor, limited liability partners, partners or copartners comprising a partnership**, association, corporation, trustee, receiver, the legal representatives of a deceased employer, and every other person, including any person or corporation operating a railroad and any public service corporation, using the service of another for pay;

(2) The state, county, municipal corporation, township, school or road, drainage, swamp and levee districts, or school boards, board of education, regents, curators, managers or control commission, board or any other political subdivision, corporation, or quasi-corporation, or cities under special charter, or under the commission form of government;

(3) Any of the above defined employers must have five or more employees to be deemed an employer for the purposes of this chapter unless election is made to become subject to the provisions of this chapter as provided in subsection 2 of section 287.090, except that construction industry employers who erect, demolish, alter or repair improvements shall be deemed an employer for the purposes of this chapter if they have one or more employees.

2. Any reference to the employer shall also include his insurer.

[287.037. Notwithstanding any other provision of law to the contrary, beginning January 1, 1997, those insurance

companies providing coverage pursuant to chapter 287, to a limited liability company, as defined in section 347.015, RSMo, shall provide coverage for the employees of the limited liability company who are not members of the limited liability company. Members of the limited liability company, as defined in section 347.015, RSMo, shall also be provided coverage pursuant to chapter 287, but such members may individually elect to reject such coverage by providing a written notice of such rejection on a form developed by the department of insurance to the limited liability company and its insurer. Failure to provide notice to the limited liability company shall not be grounds for any member to claim that the rejection of such coverage is not legally effective. A member who elects to reject such coverage shall not thereafter be entitled to workers' compensation benefits under the policy, even if serving or working in the capacity of an employee of the limited liability company, at least until such time as said member provides the limited liability company and its insurer with a written notice which rescinds the prior rejection of such coverage. The written notice which rescinds the prior rejection of such coverage shall be on a form developed by the department of insurance. Any rescission shall be prospective in nature and shall entitle the member only to such benefits which accrue on or after the date the notice of rescission form is received by the insurance company.]

287.061. 1. Any city or county which issues an occupational or business license **for a contractor in the construction industry** shall require a certificate of insurance for workers' compensation coverage [if the applicant for the license is required to cover his liability under this chapter.] **or an affidavit, the form of which shall be provided by the division of worker's compensation, signed by the applicant attesting that he or she is exempt.**

2. Any [applicant] **contractor** who fails to comply with the provisions of subsection 1 of this section shall be denied such a license until [he] **such person** furnishes a certificate of insurance.

3. It is unlawful, pursuant to section 287.128, for any [applicant] **contractor** to provide fraudulent information pursuant to this section.

4. Nothing in this section shall be construed to create or constitute a liability to or a cause of action against a city or county in regard to the issuance of any license pursuant to this section.

[287.090. 1. This chapter shall not apply to:

(1) Employment of farm labor, domestic servants in a private home, including family chauffeurs, or occasional labor performed for and related to a private household;

(2) Any worker who is a member of the employer's family within the third degree of affinity or consanguinity but such shall be included in the total number of employees of such employer for purposes of subdivision (3) of subsection 1 of section 287.030;

(3) Qualified real estate agents and direct sellers as those terms are defined in section 3508 of title 26 United States Code;

(4) Employment where the person employed is an inmate confined in a state prison, penitentiary or county or municipal jail, or a patient or resident in a state mental health facility, and the labor or services of such inmate, patient, or resident are exclusively on behalf of the state, county or municipality having custody of said inmate, patient, or resident. Nothing in this subdivision is intended to exempt employment where the inmate, patient or resident was hired by a state, county or municipal government agency after direct competition with persons who are not inmates, patients or residents and the compensation for the position of employment is not contingent upon or affected by the worker's status as an inmate, patient or resident;

(5) Volunteers of a tax-exempt organization which operates under the standards of section 501(c)(3) of the federal Internal Revenue Code, where such volunteers are not paid wages, but provide services purely on a charitable and voluntary basis;

(6) Persons providing services as adjudicators, sports officials, or contest workers for interscholastic activities programs or similar amateur youth programs who are not otherwise employed by the sponsoring school, association of schools or nonprofit tax-exempt organization sponsoring the amateur youth programs.

2. Any employer in this section exempted under subsection 1 of this section may bring himself within the provisions of this chapter by filing with the division notice of his election to accept the provisions, or by the purchasing and accepting by the employer of a valid compensation insurance policy, and the election by the purchase and acceptance of the insurance policy shall include the exempted employments described in subsection 1 of this section if such intent is shown by the terms of the policy. The election shall take effect and continue from the date of filing with the division by the employer of his election to accept liability under this chapter, or from the effective date of the insurance policy. Any employer electing to become liable under this chapter may withdraw his election by filing with the division a notice that he desires to withdraw his election, which withdrawal shall take effect thirty days after the date of the filing, or at such later date as may be specified in the notice of withdrawal.

3. Any insurance company authorized to write insurance under the provisions of this chapter in this state shall file with the division a memorandum on a form prescribed by the division of any workers' compensation policy issued to any employer and of any renewal or cancellation thereof.

4. The mandatory coverage sections of this chapter shall not apply to the employment of any member of a family owning a family farm corporation as defined in section 350.010, RSMo, or to the employment of any salaried officer of a family farm corporation organized pursuant to the laws of this state, but such family members and officers of such family farm corporations may be covered under a policy of workers' compensation insurance if approved by a resolution of the board of directors. Nothing in this subsection shall be construed to apply to any other type of corporation other than a family farm corporation.

5. A corporation may be exempt from the provisions of this chapter, when there are no more than two owners of the corporation who are also the only employees of the corporation, by filing with the division notice of election to be exempt. The election shall take effect and continue from the date of filing with the division by the corporation of the notice of exemption from liability under this chapter. Any corporation making such an election may withdraw its election by filing with the division a notice to withdraw the election, which shall take effect thirty days after the date of the filing, or at such later date as may be specified in the notice of withdrawal.]

287.090. 1. This chapter shall not apply to:

(1) Employment of farm labor, domestic servants in a private home, including family chauffeurs, or occasional labor performed for and related to a private household;

(2) Employment where the person employed is an inmate confined in a state prison, penitentiary or county or municipal jail, or a patient or resident in a state mental health facility, and the labor or services of such inmate, patient, or resident are exclusively on behalf of the state, county or municipality having custody of said inmate, patient or resident. Nothing in this subdivision is intended to exempt employment where the inmate, patient or resident was hired by a state, county or municipal government agency after direct competition with persons who are not inmates, patients or residents and the compensation for the position of employment is not contingent upon or affected by the worker's status as an inmate, patient or resident;

(3) The employment of any member of a family owning a family farm corporation as defined in section 350.010, RSMo, or to the employment of any salaried officer of a family farm corporation organized pursuant to the laws of this state;

(4) Qualified real estate agents and direct sellers as those terms are defined in Section 3508 of Title 26 United States Code;

(5) An individual who is the owner or operator of a motor vehicle which is leased or contracted with a driver to a for-hire common or contract motor vehicle carrier operating within a commercial zone as defined in section 390.020 or 390.041, RSMo, or operating under a certificate issued by the division of motor carrier and railroad safety of the department of economic development or by the interstate commerce commission.

2. Any exempted employer in this section may bring himself within the provisions of this chapter by filing with

the division notice of his election to accept the provisions, or by purchasing and accepting a valid compensation insurance policy, which lists such election in a manner and such form as determined by the department of insurance, and shall include the exempted employments described in subsection 1 of this section. The election shall take effect and continue from the date of filing with the division by the employer of his election to accept liability, under this chapter, or from the effective date of the insurance policy to the expiration date of the insurance policy. Any employer electing to become liable under this chapter by filing with the division notice of election may withdraw his election by filing with the division a notice that he desires to withdraw his election, which withdrawal shall take effect thirty days after the date of the filing, or at such later date as may be specified in the notice of withdrawal, or by non-renewing a valid compensation insurance policy.

287.091. 1. The following employers and classes of employees may be exempted from coverage if the employer so elects:

(1) Volunteers of a tax-exempt organization which operates under the standards of section 501(c)(3) of the federal Internal Revenue Code, where such volunteers are not paid wages, but provide services purely on a charitable and voluntary basis;

(2) Any worker who is a member of the employer's family within the third degree of affinity or consanguinity, except this provision applies only to employers who are sole proprietors;

(3) Persons providing services as adjudicators, sports officials or contest workers for interscholastic activities programs or similar amateur youth programs who are not otherwise employed by the sponsoring school, association of schools or nonprofit tax exempt organization sponsoring the amateur youth programs;

(4) A corporation where there are no more than two owners of the corporation who are also the only employees of the corporation.

2. Any employer in subsection 1 of this section who wishes to exempt himself or his employees from the provisions of this chapter may do so by filing with the division notice of such elections on a form determined by the division, or by the purchase and acceptance of a valid compensation insurance policy which lists such exemptions in a manner and such form as determined by the department of insurance, and shall include the exempted employments described in subsection 1 of this section. The exemption shall take effect and continue from the date of filing with the division by the employer of his exemption from liability pursuant to this chapter, or from the effective date of the insurance policy to the expiration date of the insurance policy. Any employer electing to become exempted pursuant to this chapter may withdraw his exemption by filing with the division a notice that he desires to withdraw his exemption, which withdrawal shall take effect thirty days after the date of the filing, or at such later date as may be specific in the notice of withdrawal, or by nonrenewing the valid compensation insurance policy.

3. Notwithstanding any other provision of law to the contrary, beginning on the effective date of this section, those insurance companies providing coverage pursuant to chapter 287, to a limited liability company, as defined in section 347.015, RSMo, shall provide coverage for the employees of the limited liability company who are not members of the limited liability company. Members of the limited liability company, as defined in section 347.015, RSMo, shall also be provided coverage pursuant to chapter 287, but such members may individually elect to reject such coverage by providing a written notice of such rejection on a form developed by the department of insurance to the limited liability company and its insurer. Failure to provide notice to the limited liability company shall not be grounds for any member to claim that the rejection of such coverage is not legally effective. A member who elects to reject such coverage shall not thereafter be entitled to workers' compensation benefits under the policy, even if serving or working in the capacity of an employee of the limited liability company, at least until such time as said member provides the limited liability company and its insurer with a written notice which rescinds the prior rejection of such coverage. The written notice which rescinds the prior rejection of such coverage shall be on a form developed by the department of insurance. Any rescission shall be prospective in nature and shall entitle the member only to such benefits which accrue on or after the date the notice of rescission form is received by the insurance company.

287.220. 1. All cases of permanent disability where there has been previous disability shall be compensated as herein provided. Compensation shall be computed on the basis of the average earnings at the time of the last injury. If any employee who has a preexisting permanent partial disability whether from compensable injury or otherwise, of such seriousness as to constitute a hindrance or obstacle to employment or to obtaining reemployment if the employee becomes unemployed, and the preexisting permanent partial disability, if a body as a whole injury, equals a minimum of fifty weeks of compensation or, if a major extremity injury only, equals a minimum of fifteen percent permanent partial disability, according to the medical standards that are used in determining such compensation, receives a subsequent compensable injury resulting in additional permanent partial disability so that the degree or percentage of disability, in an amount equal to a minimum of fifty weeks compensation, if a body as a whole injury or, if a major extremity injury only, equals a minimum of fifteen percent permanent partial disability, caused by the combined disabilities is substantially greater than that which would have resulted from the last injury, considered alone and of itself, and if the employee is entitled to receive compensation on the basis of the combined disabilities, the employer at the time of the last injury shall be liable only for the degree or percentage of disability which would have resulted from the last injury had there been no preexisting disability. After the compensation liability of the employer for the last injury, considered alone, has been determined by an administrative law judge or the commission, the degree or percentage of employee's disability that is attributable to all injuries or conditions existing at the time the last injury was sustained shall then be determined by that administrative law judge or by the commission and the degree or percentage of disability which existed prior to the last injury plus the disability resulting from the last injury, if any, considered alone, shall be deducted from the combined disability, and compensation for the balance, if any, shall be paid out of a special fund known as the second injury fund, hereinafter provided for. If the previous disability or disabilities, whether from compensable injury or otherwise, and the last injury together result in total and permanent disability, the minimum standards under this subsection for a body as a whole injury or a major extremity injury shall not apply and the employer at the time of the last injury shall be liable only for the disability resulting from the last injury considered alone and of itself; except that if the compensation for which the employer at the time of the last injury is liable is less than the compensation provided in this chapter for permanent total disability, then in addition to the compensation for which the employer is liable and after the completion of payment of the compensation by the employer, the employee shall be paid the remainder of the compensation that would be due for permanent total disability under section 287.200 out of a special fund known as the "Second Injury Fund" hereby created exclusively for the purposes as in this section provided and for special weekly benefits in rehabilitation cases as provided in section 287.141. Maintenance of the second injury fund shall be as provided by section 287.710. The state treasurer shall be the custodian of the second injury fund which shall be deposited the same as are state funds and any interest accruing thereon shall be added thereto. The fund shall be subject to audit the same as state funds and accounts and shall be protected by the general bond given by the state treasurer. Upon the requisition of the director of the division of workers' compensation, warrants on the state treasurer for the payment of all amounts payable for compensation and benefits out of the second injury fund shall be issued.

2. In all cases in which a recovery against the second injury fund is sought for permanent partial disability, permanent total disability, or death, the state treasurer as custodian thereof shall be named as a party, and shall be entitled to defend against the claim. The state treasurer, with the advice and consent of the attorney general of Missouri, may enter into compromise settlements as contemplated by section 287.390, or agreed statements of fact that would affect the second injury fund. All awards for permanent partial disability, permanent total disability, or death affecting the second injury fund shall be subject to the provisions of this chapter governing review and appeal. For all claims filed against the second injury fund on or after July 1, 1994, the attorney general shall use assistant attorneys general except in circumstances where an actual or potential conflict of interest exists, to provide legal services as may be required in all claims made for recovery against the fund. Any legal expenses incurred by the attorney general's office in the handling of such claims, including, but not limited to, medical examination fees, expert witness fees, court reporter expenses, travel costs, and related legal expenses shall be paid by the fund. Effective July 1, 1993, the payment of such legal expenses shall be contingent upon annual appropriations made by the general assembly, from the fund, to the attorney general's office for this specific purpose.

3. If more than one injury in the same employment causes concurrent temporary disabilities, compensation shall be payable only for the longest and largest paying disability.

4. If more than one injury in the same employment causes concurrent and consecutive permanent partial disability,

compensation payments for each subsequent disability shall not begin until the end of the compensation period of the prior disability.

5. If an employer fails to insure or self-insure as required in section 287.280, funds from the second injury fund may be withdrawn to cover the fair, reasonable, and necessary expenses to cure and relieve the effects of the injury or disability of an injured employee in the employ of an uninsured employer, or in the case of death of an employee in the employ of an uninsured employer, funds from the second injury fund may be withdrawn to cover fair, reasonable, and necessary expenses in the manner required in sections 287.240 and 287.241. In defense of claims arising under this subsection, the treasurer of the state of Missouri, as custodian of the second injury fund, shall have the same defenses to such claims as would the uninsured employer. Any funds received by the employee or the employee's dependents, through civil or other action, must go towards reimbursement of the second injury fund, for all payments made to the employee, the employee's dependents, or paid on the employee's behalf, from the second injury fund pursuant to this subsection. The office of the attorney general of the state of Missouri shall bring suit in the circuit court of the county in which the accident occurred against any employer not covered by this chapter as required in section 287.280.

6. Every three years the second injury fund shall have an actuarial study made to determine the solvency of the fund, appropriate funding level of the fund, and forecasted expenditures from the fund. The first actuarial study shall be completed prior to July 1, 1988. The expenses of such actuarial studies shall be paid out of the fund for the support of the division of workers' compensation.

7. The director of the division of workers' compensation shall maintain the financial data and records concerning the fund for the support of the division of workers' compensation and the second injury fund. The division shall also compile and report data on claims made pursuant to subsection 9 of this section. The attorney general shall provide all necessary information to the division for this purpose.

8. All claims for fees and expenses filed against the second injury fund and all records pertaining thereto shall be open to the public.

[9. Any employee who at the time a compensable work-related injury is sustained is employed by more than one employer, the employer for whom the employee was working when the injury was sustained shall be responsible for wage loss benefits applicable only to the earnings in that employer's employment and the injured employee shall be entitled to file a claim against the second injury fund for any additional wage loss benefits attributed to loss of earnings from the employment or employments where the injury did not occur, up to the maximum weekly benefit less those benefits paid by the employer in whose employment the employee sustained the injury. The employee shall be entitled to a total benefit based on the total average weekly wage of such employee computed according to subsection 8 of section 287.250. The employee shall not be entitled to a greater rate of compensation than allowed by law on the date of the injury. The employer for whom the employee was working where the injury was sustained shall be responsible for all medical costs incurred in regard to that injury. The provisions of this subsection shall expire on August 28, 1996.]

9. Any employee who at the time a compensable work-related injury is sustained is employed by more than one employer, the employer for whom the employee was working when the injury was sustained shall be responsible for wage loss benefits applicable only to the earnings in that employer's employment and the injured employee shall be entitled to file a claim against the second injury fund for any additional wage loss benefits attributed to loss of earnings from the employment or employments where the injury did not occur, up to the maximum weekly benefit less those benefits paid by the employer in whose employment the employee sustained the injury. The employee shall be entitled to a total benefit based on the total average weekly wage of such employee computed according to subsection 8 of section 287.250. The employee shall not be entitled to a greater rate of compensation than allowed by law on the date of the injury. The employer for whom the employee was working where the injury was sustained shall be responsible for all medical costs incurred in regard to that injury.

[287.337. Rates and rating systems used by any insurer with regard to employers within the construction group of code classifications for work performed within this state shall, where applicable, be based upon the principles that an employer with a credible Missouri intrastate modification rate shall be required to apply only that intrastate modification

rate on Missouri payroll exposure. Such employers without a credible Missouri intrastate modification rate shall be subjected to the higher of one point zero or their credible interstate modification rate on Missouri payroll exposure.]

287.380. 1. [Except as provided in subsection 2 of this section,] Every employer or his insurer in this state, whether he has accepted or rejected the provisions of this chapter, shall within ten days after knowledge of an accident resulting in personal injury to any employee notify the division thereof, and shall, within one month from the date of filing of the original notification of injury, file with the division under such rules and regulations and in such form and detail as the division may require, a full and complete report of every injury or death to any employee for which the employer would be liable to furnish medical aid, other than immediate first aid which does not result in further medical treatment or lost time from work, or compensation hereunder had he accepted this chapter, and every employer or insurer shall also furnish the division with such supplemental reports in regard thereto as the division shall require. All reports submitted under this subsection shall include the name, address, date of birth and wages of the deceased or injured employee, the time and cause of the accident, the nature and extent of the injury, the name and address of the employee's and the employer's or insurer's attorney of record, if any, the medical cost incurred in treating the injured employee, the amount of lost work time of the employee as a result of the injury and such other information as the director may reasonably require in order to maintain in the division, accurate and complete data on the impact of work-related injuries on the workers' compensation system. The division shall collect and maintain such data in such a form as to be readily retrieved and available for analysis by the division. Employers shall report all injuries to their insurance carrier, or third-party administrators, if applicable, within five days of the date of the injury or within five days of the date on which the injury was reported to the employer by the employee, whichever is later. Where an employer reports injuries covered pursuant to this chapter to his insurer or third-party administrator, the insurer or third-party administrator shall be responsible for filing the report prescribed in this section.

2. [The division shall provide by rule that for accidents involving less than five hundred dollars in total medical costs and no lost time from the employment, upon receipt of the notice required by section 287.420, the employer shall deliver a notice to the employee, on a form provided by the division, of the employee's rights under this chapter, giving the date and location of the accident, and the employer shall retain a copy of such notice signed by the employee. The employer shall forward a signed copy to the division accompanied by the report of injury.

3.] Every employer and his insurer, and every injured employee, his dependents and every person entitled to any rights hereunder, and every other person receiving from the division or the commission any blank reports with direction to fill out the same shall cause the same to be promptly returned to the division or the commission properly filled out and signed so as to answer fully and correctly to the best of his knowledge each question propounded therein, and a good and sufficient reason shall be given for failure to answer any question.

[4.] **3.** No information obtained under the provisions of this section shall be disclosed to persons other than the parties to compensation proceedings and their attorneys, except by order of the division or the commission, or at a hearing of compensation proceeding, but such information may be used by the division or the commission for statistical purposes.

[5.] **4.** Any person, including any employer, insurer or any employee, who violates any of the provisions of this section, including any employer or insurer who knowingly fails to report any accident under the provisions of subsection 1 of this section, or anyone who knowingly makes a false report or statement in writing to the division or the commission, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than one week nor more than one year, or by both the fine and imprisonment."; and

Further amend said bill, Page 12, Section 288.050, Line 78, by inserting immediately after all of said line the following:

"Section B. The repeal and reenactment of sections 287.020, 287.030, 287.037 and 287.090 and the enactment of section 287.091 shall be effective on January 1, 1998, and shall apply to policies renewed or issued on and after that date."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for House Bill No. 472, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"288.034. 1. "Employment" means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied, and notwithstanding any other provisions of this section, service with respect to which a tax is required to be paid under any federal unemployment tax law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which, as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required to be covered under this law.

2. The term "employment" shall include an individual's entire service, performed within or both within and without this state if:

(1) The service is localized in this state; or

(2) The service is not localized in any state but some of the service is performed in this state and the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

3. Service performed by an individual for wages shall be deemed to be employment subject to this law:

(1) If covered by an election filed and approved pursuant to subdivision (2) of subsection 3 of section 288.080;

(2) If covered by an arrangement pursuant to section 288.340 between the division and the agency charged with the administration of any other state or federal unemployment insurance law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this state.

4. Service shall be deemed to be localized within a state if the service is performed entirely within such state; or the service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state; for example, is temporary or transitory in nature or consists of isolated transactions.

5. Service performed by an individual for remuneration shall be deemed to be employment subject to this law unless it is shown to the satisfaction of the division that such services were performed by an independent contractor. In determining the existence of the independent contractor relationship, the common law of agency right to control shall be applied. The common law of agency right to control test shall include but not be limited to: If the alleged employer retains the right to control the manner and means by which the results are to be accomplished, the individual who performs the service is an employee. If only the results are controlled, the individual performing the service is an independent contractor.

6. The term "employment" shall include service performed for wages as an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services, for his principal; or as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations, provided:

(1) The contract of service contemplates that substantially all of the services are to be performed personally by such

individual; and

(2) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(3) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

7. Service performed by an individual in the employ of this state or any political subdivision thereof or any instrumentality of any one or more of the foregoing which is wholly owned by this state and one or more other states or political subdivisions, or any service performed in the employ of any instrumentality of this state or of any political subdivision thereof, and one or more other states or political subdivisions, provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by section 3306(c)(7) of that act and is not excluded from "employment" under subsection 9 of this section, shall be "employment" subject to this law.

8. Service performed by an individual in the employ of a corporation or any community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, or other organization described in section 501(c)(3) of the Internal Revenue Code which is exempt from income tax under section 501(a) of that code if the organization had four or more individuals in employment for some portion of a day in each of twenty different weeks whether or not such weeks were consecutive within a calendar year regardless of whether they were employed at the same moment of time shall be "employment" subject to this law.

9. For the purposes of subsections 7 and 8 of this section, the term "employment" does not apply to service performed:

(1) In the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) In the employ of a governmental entity referred to in subdivision (3) of subsection 1 of section 288.032 if such service is performed by an individual in the exercise of duties:

(a) As an elected official;

(b) As a member of a legislative body, or a member of the judiciary, of a state or political subdivision;

(c) As a member of the state national guard or air national guard;

(d) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(e) In a position which, under or pursuant to the laws of this state, is designated as (i) a major nontenured policymaking or advisory position, or (ii) a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week; or

(4) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(5) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

(6) By an inmate of a custodial or penal institution; or

(7) In the employ of a school, college, or university, if such service is performed (i) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (ii) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (II) such employment will not be covered by any program of unemployment insurance.

10. The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States (except in Canada), if:

(1) The employer's principal place of business in the United States is located in this state; or

(2) The employer has no place of business in the United States, but:

(a) The employer is an individual who is a resident of this state; or

(b) The employer is a corporation which is organized under the laws of this state; or

(c) The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one other state; or

(3) None of the criteria of subdivisions (1) and (2) of this subsection is met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state;

(4) As used in this subsection and in subsection 11 of this section, the term "United States" includes the states, the District of Columbia and the Commonwealth of Puerto Rico.

11. An "American employer", for the purposes of subsection 10 of this section, means a person who is:

(1) An individual who is a resident of the United States; or

(2) A partnership, if two-thirds or more of the partners are residents of the United States; or

(3) A trust, if all of the trustees are residents of the United States; or

(4) A corporation organized under the laws of the United States or of any state.

12. The term "employment" shall not include:

(1) Service performed by an individual in agricultural labor;

(a) For the purposes of this subdivision, the term "agricultural labor" means remunerated service performed:

a. On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife;

b. In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

c. In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15(g) of the Federal Agricultural Marketing Act, as amended (46 Stat. 1550, Sec. 3; 12 USC 1441j), or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

d. i. In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half of the commodity with respect to which such service is performed;

ii. In the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of services described in item i of this subparagraph, but only if such operators produced more than one-half of the commodity with respect to which such service is performed;

iii. The provisions of items i and ii of this subparagraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

e. On a farm operated for profit if such service is not in the course of the employer's trade or business. As used in this paragraph, the term "farm" includes stock, dairy, poultry, fruit, furbearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures, used primarily for the raising of agricultural or horticultural commodities, and orchards;

(b) The term "employment" shall include service performed after December 31, 1977, by an individual in agricultural labor as defined in paragraph (a) of this subdivision when such service is performed for a person who, during any calendar quarter, paid remuneration in cash of twenty thousand dollars or more to individuals employed in agricultural labor or for some portion of a day in a calendar year in each of twenty different calendar weeks, whether or not such weeks were consecutive, employed in agricultural labor ten or more individuals, regardless of whether they were employed at the same moment of time;

(c) For the purposes of this subsection any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be considered as employed by such crew leader:

a. If such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

b. If such individual is not in employment by such other person;

c. If any individual is furnished by a crew leader to perform service in agricultural labor for any other person and that individual is not in the employment of the crew leader:

i. Such other person and not the crew leader shall be treated as the employer of such individual; and

ii. Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on behalf of such other person) for the service in agricultural labor performed for such other person;

d. For the purposes of this subsection, the term "crew leader" means an individual who:

i. Furnishes individuals to perform service in agricultural labor for any other person;

ii. Pays (either on his own behalf or on behalf of such other person) the individuals so furnished by him for the service in agricultural labor performed by them; and

iii. Has not entered into a written agreement with such other person under which such individual is designated as in employment by such other person;

(2) Domestic service in a private home except as provided in subsection 13 of this section;

(3) Service performed by an individual [under the age of eighteen years] in the delivery or distribution of newspapers or shopping news, [not] including delivery or distribution to any point for subsequent delivery or distribution;

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(5) Except as otherwise provided in this law, service performed in the employ of a corporation, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(6) Services with respect to which unemployment insurance is payable under an unemployment insurance system established by an act of Congress;

(7) Service performed in the employ of a foreign government;

(8) Service performed in the employ of an instrumentality wholly owned by a foreign government:

(a) If the service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

(b) If the division finds that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof. The certification of the United States Secretary of State to the United States Secretary of Treasury shall constitute prima facie evidence of such equivalent exemption;

(9) Service covered by an arrangement between the division and the agency charged with the administration of any other state or federal unemployment insurance law pursuant to which all services performed by an individual for an employing unit during the period covered by the employing unit's approved election are deemed to be performed entirely within the jurisdiction of such other state or federal agency;

(10) Service performed in any calendar quarter in the employ of a school, college or university not otherwise excluded, if such service is performed by a student who is enrolled and regularly attending classes at such school, college, or university, and the remuneration for such service does not exceed fifty dollars (exclusive of board, room, and tuition);

(11) Service performed by an individual for a person as a licensed insurance agent, a licensed insurance broker, or an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commissions;

(12) Domestic service performed in the employ of a local college club or of a local chapter of a college fraternity or sorority, except as provided in subsection 13 of this section;

(13) Services performed after March 31, 1982, in programs authorized and funded by the Comprehensive Employment and Training Act by participants of such programs, except those programs with respect to which unemployment insurance coverage is required by the Comprehensive Employment and Training Act or regulations issued pursuant thereto;

(14) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in

attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer; except, that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(15) Services performed by a licensed real estate salesperson or licensed real estate broker if at least eighty percent of the remuneration, whether or not paid in cash, for the services performed rather than to the number of hours worked is directly related to sales performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for federal tax purposes;

(16) Services **performed as a direct seller who is engaged in the trade or business of the delivering or distribution of newspapers or shopping news, including any services directly related to such trade or business, or** services performed as a direct seller who is engaged in the trade or business of selling, or soliciting the sale of, consumer products in the home or otherwise than in, or affiliated with, a permanent, fixed retail establishment, if eighty percent or more of the remuneration, whether or not paid in cash, for the services performed rather than the number of hours worked is directly related to sales performed pursuant to a written contract between such direct seller and the person for whom the services are performed, and such contract provides that the individual will not be treated as an employee with respect to such services for federal tax purposes;

(17) Services performed as a volunteer research subject who is paid on a per study basis for scientific, medical or drug related testing for any organization other than one described in section 501(c)(3) of the Internal Revenue Code or any governmental entity.

13. The term "employment" shall include domestic service as defined in subdivisions (2) and (12) of subsection 12 of this section performed after December 31, 1977, if the employing unit for which such service is performed paid cash wages of one thousand dollars or more for such services in any calendar quarter after December 31, 1977.

14. The term "employment" shall include or exclude the entire service of an individual for an employing unit during a pay period in which his services are not all excluded under the foregoing provisions, on the following basis: If the services performed during one-half or more of any pay period constitute employment as otherwise defined in this law, all the services performed during such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period do not constitute employment as otherwise defined in this law, then none of the services for such period shall be deemed to be employment. (As used in this subsection, the term "pay period" means a period of not more than thirty-one consecutive days for which a payment of remuneration is ordinarily made to the individual by the employing unit employing him.) This subsection shall not be applicable with respect to service performed in a pay period where any such service is excluded under subdivision (7) of subsection 12 of this section.

15. The term "employment" shall not include the services of a full-time student who performed such services in the employ of an organized summer camp for less than thirteen calendar weeks in such calendar year.

16. For the purpose of subsection 15 of this section, an individual shall be treated as a full-time student for any period:

(1) During which the individual is enrolled as a full-time student at an educational institution; or

(2) Which is between academic years or terms if:

(a) The individual was enrolled as a full-time student at an educational institution for the immediately preceding academic year or term; and

(b) There is a reasonable assurance that the individual will be so enrolled for the immediately succeeding academic year or term after the period described in paragraph (a) of this subdivision.

17. For the purpose of subsection 15 of this section, an organized summer camp shall mean a summer camp which:

(1) Did not operate for more than seven months in the calendar year and did not operate for more than seven months in the preceding calendar year; or

(2) Had average gross receipts for any six months in the preceding calendar year which were not more than thirty-three and one-third percent of its average gross receipts for the other six months in the preceding calendar year.

18. The term "employment" shall not mean service performed by a remodeling salesperson acting as an independent contractor; however, if the federal Internal Revenue Service determines that a contractual relationship between a direct provider and an individual acting as an independent contractor under the provisions of this subsection is in fact an employer-employee relationship for the purposes of federal law, then that relationship shall be considered as an employer-employee relationship for the purposes of this chapter."; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for House Bill No. 472, Page 1, Section A, Line 3, by inserting immediately after said section the following:

"285.230. 1. As used in this section, "transient employer" means an employer as defined in sections 143.191, RSMo, 287.030, RSMo, and 288.032, RSMo, making payment of wages taxable under chapters 143, RSMo, 287, RSMo, and 288, RSMo, who is not domiciled in this state and who temporarily transacts any business within the state, but shall not include any employer who is not subject to Missouri income tax because of the provisions of 15 U.S.C. 381. The transaction of business shall be considered temporary at any time it cannot be reasonably expected to continue for a period of twenty-four consecutive months. Professional athletic teams and professional entertainers domiciled in a state other than Missouri shall be deemed a "transient employer" for the purposes of this section.

2. Employers meeting the following criteria shall not be required to file a financial assurance instrument as required by this section:

(1) The principal place of business of the employer must be in a county of another state which is contiguous to the state of Missouri; and

(2) The employer must have been under contract to perform work in Missouri for at least sixty days cumulatively out of twelve months during each of the two calendar years immediately preceding the employer's initial application for exemption from the provisions of this section; and

(3) The employer must have in his possession a tax clearance from the department of revenue and the division of employment security stating that the employer has faithfully complied with the tax laws of this state during the period set out in subdivision (2) of this subsection. Within ninety days of August 13, 1988, such employers must obtain initial tax clearances in accordance with subdivision (3) of this subsection. Any tax clearance issued under the provisions of this section by the division of employment security shall be submitted to the department of revenue. On or before January thirty-first of each year, except January thirty-first following the year during which the employer first meets these criteria, the employer shall submit application to the department of revenue and division of employment security for a renewed tax clearance. Failure to submit such renewal applications or failure to comply with applicable Missouri taxing and employment security laws during the period between annual renewal dates or removal of the employer's principal place of business from a county in another state which is contiguous to Missouri to a state other than Missouri shall immediately subject the employer to all provisions of this section. An employer meeting the requirements of this subsection shall still be subject to the provisions of subsection 5 of this section.

3. Every transient employer shall file with the director of revenue a financial assurance instrument including, but not

limited to, a cash bond, a surety bond, or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by any state or federal financial institution. The financial assurance instrument shall be in an amount not less than the average estimated quarterly withholding tax liability of the applicant, but in no case less than five thousand dollars nor more than twenty-five thousand dollars. Any corporate surety shall be licensed to do such business in this state and approved by the director of revenue to act as a surety. The transient employer shall be the principal obligor and the state of Missouri shall be the obligee. The financial assurance instrument shall be conditioned upon the prompt filing of true reports and the payment by such employer to the director of revenue of any and all withholding taxes which are now or which hereafter may be levied or imposed by the state of Missouri, upon the employer, together with any and all penalties and interest thereon, and generally upon the faithful compliance with the provisions of chapters 143, RSMo, 287, RSMo, and 288, RSMo.

4. Any transient employer who is already otherwise required to file a financial assurance instrument as a condition of any contract, provided said financial assurance instrument guarantees payment of all applicable state taxes and all withholding taxes levied or imposed by the state and provided that such financial assurance instrument is delivered by certified mail to the department of revenue by the applicable awarding entity at least fourteen days before the execution of the contract for the performance of work, may use the same financial assurance instrument to comply with the provisions of this section. Before such financial assurance instrument is approved by the awarding entity, the director of revenue shall be satisfied that such financial assurance instrument is sufficient to cover all taxes imposed by this state and the director shall so notify the awarding entity of the decision within the fourteen days prior to the execution of the contract. Failure to do so by the director shall waive any right to disapprove such financial assurance instrument. Before a financial assurance instrument is released by the entity awarding the contract, a tax clearance shall be obtained from the director of revenue that such transient employer has faithfully complied with all the tax laws of this state.

5. Every transient employer shall certify to the director of revenue that such employer has sufficient workers' compensation insurance either through a [self-insured plan or through a private company (carrier). Such insurance shall be approved by the division of workers' compensation of the department of labor and industrial relations of the state. A financial assurance instrument including, but not limited to, a cash bond, a surety bond, or an irrevocable letter of credit as defined in section 400.5-103, RSMo, shall be required of every transient employer who in the opinion of the division of workers' compensation does not have sufficient workers' compensation coverage. Such financial assurance instrument shall be in an amount not less than one hundred thousand dollars nor more than five hundred thousand dollars.] **self-insurance program or a policy of workers' compensation insurance issued by an approved workers' compensation carrier. The self-insurance program shall be approved by the division of workers' compensation pursuant to section 287.280, RSMo. The insurance policy shall be in a contract form approved by the department of insurance.**

6. In the event that liability upon the financial assurance instrument thus filed by the transient employer shall be discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the director of revenue any surety on a bond theretofore given or financial institution shall have become unsatisfactory or unacceptable, then the director of revenue may require the employer to file a new financial assurance instrument in the same form and amount. If such new financial assurance instrument shall be furnished by such employer as above provided, the director of revenue shall upon satisfaction of any liability that has accrued, release the surety on the old bond or financial institution issuing the irrevocable letter of credit.

7. Any surety on any bond or financial institution issuing an irrevocable letter of credit furnished by any transient employer as provided in this section shall be released and discharged from any and all liability to the state of Missouri accruing on such bond or irrevocable letter of credit after the expiration of sixty days from the date upon which such surety or financial institution shall have lodged with the director of revenue a written request to be released and discharged; but the request shall not operate to relieve, release or discharge such surety or financial institution from any liability already accrued or which shall accrue during and before the expiration of said sixty-day period. The director of revenue shall promptly on receipt of notice of such request notify the employer who furnished such bond or irrevocable letter of credit and such employer shall on or before the expiration of such sixty-day period file with the director of revenue a new financial assurance instrument satisfactory to the director of revenue in the amount and form provided in this section.

8. Notwithstanding the limitation as to the amount of any financial assurance instrument fixed by this section, if a transient employer becomes delinquent in the payment of any tax or tenders a check in payment of tax which check is returned unpaid because of insufficient funds, the director may demand an additional instrument of such employer in an amount necessary, in the judgment of the director, to protect the revenue of the state. The penal sum of the additional instrument and the instrument furnished under the provisions of the law requiring such instrument may not exceed two quarters estimated tax liability.

9. For any period when a transient employer fails to meet the requirements of this section, there shall be added to any deficiency assessed against a transient employer, in addition to any other addition, interest, and penalties, an amount equal to twenty-five percent of the deficiency.

10. A taxpayer commits the crime of failure to file a financial assurance instrument if he knowingly fails to comply with the provisions of this section.

11. Failure to file a financial assurance instrument is a class A misdemeanor. Pursuant to section 560.021, RSMo, a corporation found guilty of failing to file a financial assurance instrument may be fined up to five thousand dollars or any higher amount not exceeding twice the amount the employer profited from the commission of the offense.

12. Failing to register with the department of revenue and execute the financial assurance instrument herein provided, prior to beginning the performance of any contract, shall prohibit the employer from performing on such contract until he complies with such requirements.

13. Each employer shall keep full and accurate records clearly indicating the names, occupations, and crafts, if applicable, of every person employed by him together with an accurate record of the number of hours worked by each employee and the actual wages paid. The payroll records required to be so kept shall be open to inspection by any authorized representative of the department of revenue at any reasonable time and as often as may be necessary and such records shall not be destroyed or removed from the state for a period of one year following the completion of the contract in connection with which the records are made.

14. The entering into of any contract for the performance of work in the state of Missouri by any such employer shall be deemed to constitute an appointment of the secretary of state as registered agent of such employer for purposes of accepting service of any process, or of any notice or demand required or permitted by law. The service of any such process, notice or demand, when served on the secretary of state shall have the same legal force and validity as if served upon the employer personally within the state.

15. In addition, any employer who fails to file a financial assurance instrument as required by this section shall be prohibited from contracting for or performing labor on any public works project in this state for a period of one year.

16. Whenever a transient employer ceases to engage in activity within the state it shall be the duty of such transient employer to notify the director of revenue in writing at least ten days prior to the time the discontinuance takes effect.

285.232. 1. Subject to the provisions of section 285.230, any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by section 285.230 before such entity issues a building permit to the transient employer. If any transient employer obtains a building permit without providing such proof, provides a fraudulently obtained tax clearance or a fraudulent financial assurance instrument or through any misrepresentation or any other fraudulent act or in any way violates the provisions of sections 285.230 to 285.234, the Missouri department of revenue shall request a temporary restraining order or seek injunctive relief to immediately prohibit further performance of work by the transient employer on such contract or project. The court may direct that any payments due such transient employer be equitably distributed in satisfaction of the transient employer's obligations pursuant to sections 285.230 to 285.234. Upon issuance of such order by a court of competent jurisdiction, the person for whom the work is being performed may engage another contractor as provided by law or any provision of contract and the person shall not be deemed to be in violation of the contract with such transient employer removed by the court. Nothing in this section shall be construed to create or

constitute a liability to or a cause of action against a city or county in regard to the issuance of any license pursuant to this section.

2. Any contractor for private or public construction work in this state which contracts with or otherwise engages a subcontractor, which is deemed a transient employer as defined in section 285.230, to perform any portion of such work, shall require such subcontractor to show proof of having filed a financial assurance instrument with the director of revenue as required by section 285.230 and to show proof that the subcontractor holds a current valid certificate of insurance for workers' compensation coverage in this state, prior to the subcontractor performing any work on the project. If the subcontractor is self-insured for purposes of workers' compensation, the contractor shall require proof that such self-insurance by the subcontractor has been approved by the division of workers' compensation. The contractor shall not allow the subcontractor to perform on such contract until proof of compliance as required by this section has been provided to the contractor. If a subcontractor which is deemed to be a transient employer has previously submitted proof of compliance as required by this section to a state agency or political subdivision for which the contract is being performed as a condition of being qualified to perform work for such agency or political subdivision, the general contractor shall not be required to obtain the proofs required by this section. If at any time prior to final payment to a subcontractor for work performed on a project, a contractor is notified in writing by the director of revenue or the director of the division of workers' compensation that a subcontractor is in violation of sections 285.230 to 285.234, the contractor shall withhold all or part of any payment to the subcontractor under the contract for payment in satisfaction of the subcontractor's obligations as a transient employer if so directed by the director of revenue or the director of the division of workers' compensation. Any contractor withholding payment and paying such funds in satisfaction of the subcontractor's obligations as a transient employer if so directed by the director of revenue or the director of the division of workers' compensation. Any contractor withholding payment and paying such funds in satisfaction of the subcontractor's obligations as a transient employer shall be deemed in compliance with the contract with the subcontractor to the extent of the amount paid to fulfill such obligation and with the laws of this state regarding timely payment under construction contracts and shall not be subject to any civil or criminal penalty for withholding such payment.

3. Notwithstanding the provision of section 32.057, RSMo, the Missouri department of revenue shall at least quarterly submit for publication in the Missouri Register a list of construction contractors performing work on construction projects in Missouri who are known by the department to be deemed transient employers pursuant to section 285.230. The department shall also update such list monthly and make such list available upon request without cost to any person.

285.234. 1. Every transient employer, as defined in section 285.230 shall post in a prominent and easily accessible place at the worksite a clearly legible copy of the following:

- (1) The notice of registration for employer withholding issued to such transient employer by the director of revenue;
- (2) [The notice of registration for workers' compensation issued to such transient employer] **Proof of coverage for workers' compensation insurance or self-insurance signed by the transient employer and verified by the department of revenue through the records of** by the division of workers' compensation; and
- (3) The notice of registration for unemployment insurance issued to such transient employer by the division of employment security.

2. Any transient employer failing to comply with the provisions of this section shall be liable for a penalty of five hundred dollars per day until the notices required by this section are posted as provided by this section."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klarich, **HS** for **HCS** for **HB 472**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Banks	Clay	Curls	McKenna--4
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Staples moved that **HB 207**, with **SCS**, **SS** for **SCS**, **SA 2** and the point of order pending (pending), be called from the Informal Calendar, and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Staples, the point of order was withdrawn.

At the request of Senator Goode, **SA 2** was divided; Part 1 to deal with Section 303.043 on pages 8 and 9 and Part 2 to be the remainder of the amendment.

President Wilson assumed the Chair.

Senator Johnson resumed the Chair.

Part 1 of **SA 2** was taken up.

Senator Goode moved that Part 1 of **SA 2** be adopted, which motion failed.

Part 2 of **SA 2** was taken up.

Senator Goode moved that Part 2 of **SA 2** be adopted, which motion prevailed.

Senator Russell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 207, Page 34, Section 301.573, Line 26, by inserting after all of said line the following:

"Section 1. As used in subdivision (5) of section 407.815, RSMo, the term "motor driven vehicle" shall not include "trailer" as such term is defined in subdivision (56) of section 301.010, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 207, Page 1, In the Title, Line 6, by striking the following: "vehicle commission" and inserting in lieu thereof the following: "vehicles"; and

Further amend said bill, page 1, section A, line 8, by inserting immediately after all of said line the following:

"301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. **As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.**

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

[3.] **4.** Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of fifteen days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall

require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within fifteen days. The director shall issue a temporary permit or paper plate authorizing the operation of a motor vehicle or trailer by a buyer for not more than twenty days of the date of purchase.

[4.] **5.** The temporary permit or paper plate shall be made available by the director of revenue and may be purchased from the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer. The director shall make temporary plates or permits available to registered dealers in this state in sets of ten plates or permits. The fee for the temporary permit or plate shall be seven dollars and fifty cents for each permit or plate issued. No dealer shall charge more than seven dollars and fifty cents for each permit issued. The permit or plate shall be valid for a period of twenty days from the date of issuance by the director of revenue to the purchaser of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a dealer for which the purchaser obtains a permit or plate as set out above.

[5.] **6.** The permit or plate shall be issued on a form prescribed by the director and issued only for the applicant's use in the operation of the motor vehicle or trailer purchased to enable him to legally operate the vehicle while proper title and registration plate are being obtained, and shall be displayed on no other vehicle. Permits or paper plates issued under this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director shall determine the size and numbering configuration, construction, and color of the permit and plate.

[6.] **7.** The dealer or authorized agent shall insert the date of issuance and expiration date, year, make, and manufacturer's number of vehicle on the paper plate or permit when issued to the buyer. The dealer shall also insert his dealer's number on the paper plate. Every dealer that issues a temporary permit or paper plate shall keep, for inspection of proper officers, a correct record of each permit or plate issued by him by recording the permit or plate number, buyer's name and address, year, make, manufacturer's number of vehicle on which the permit or plate is to be used, and the date of issuance.

301.210. 1. In the event of a sale or transfer of ownership of a motor vehicle or trailer for which a certificate of ownership has been issued, the holder of such certificate shall endorse on the same an assignment thereof, with warranty of title in form printed thereon, and prescribed by the director of revenue, with a statement of all liens or encumbrances on such motor vehicle or trailer, and deliver the same to the buyer at the time of the delivery to him of such motor vehicle or trailer.

2. The buyer shall then present such certificate, assigned as aforesaid, to the director of revenue, at the time of making application for the registration of such motor vehicle or trailer, whereupon a new certificate of ownership shall be issued to the buyer, the fee therefor being that prescribed in subsection 5 of section 301.190.

3. If such motor vehicle or trailer is sold to a resident of another state or country, or if such motor vehicle or trailer is destroyed or dismantled, the owner thereof shall immediately notify the director of revenue. Certificates when so signed and returned to the director of revenue shall be retained by the director of revenue and all certificates shall be appropriately indexed so that at all times it will be possible for him to expeditiously trace the ownership of the motor vehicle or trailer designated therein.

4. **Except as provided in subsection 5 of this section,** it shall be unlawful for any person to buy or sell in this state any motor vehicle or trailer registered under the laws of this state, unless, at the time of the delivery thereof, there shall pass between the parties such certificates of ownership with an assignment thereof, as provided in this section, and the sale of any motor vehicle or trailer registered under the laws of this state, without the assignment of such certificate of ownership, shall be fraudulent and void.

5. **A sale of a motor vehicle or trailer which has been completed without a transfer of the certificate of ownership at the time of the sale shall not be fraudulent or void if the seller has applied for a duplicate certificate of ownership and, upon receiving the duplicate, assigns the certificate of title within ten days. Any purchaser of a motor vehicle or trailer may obtain a temporary permit to operate such vehicle or trailer if the seller provides a**

signed and dated, notarized bill of sale as evidence of the transfer."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senators Flotron and Schneider offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 207, Page 9, Section 301.553, Line 10, by inserting immediately after said line the following:

"No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated in accordance with the provisions of chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section and section 536.028 are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void."; and

Further amend page 34, section 301.573, line 26, by inserting immediately after said line the following:

"536.028. 1. The delegation of authority to any state agency to propose to the general assembly rules as provided under this section is contingent upon the agency complying with the provisions of this section and this delegation of legislative power to the agency to propose an order of rulemaking containing a rule or portion thereof that has the effect of substantive law, other than a rule relating to the agency's organization and internal management, is contingent and dependent upon the power of the general assembly to review such proposed order of rulemaking, to delay the effective date of such proposed order of rulemaking until the expiration of at least thirty legislative days of a regular session after such order is filed with the general assembly and the secretary of state, and to disapprove and annul any rule or portion thereof contained in such order of rulemaking.

2. No rule or portion of a rule that has the effect of substantive law shall become effective until the order of rulemaking, in which such rule or portion thereof is contained, has been reviewed by the general assembly in accordance with the procedures provided herein and the agency's authority to propose an order of rulemaking is dependent upon the power of the general assembly to disapprove and annul any such proposed rule or portion thereof as provided herein.

3. In order for the general assembly to have an effective opportunity to be advised of rules proposed by any state agency under the authority of this section, an agency may propose a rule by complying with the procedures provided in section 536.021, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy thereof to the joint committee on administrative rules which may hold hearings upon any proposed rule or portion thereof at any time. The agency shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information within the control of the agency as may be requested.

4. In order to propose an order of rulemaking to the general assembly, the agency shall comply with the provisions of section 536.021, except that the agency may file a proposed order of rulemaking with the secretary of state only by first filing such proposed order with the general assembly by providing a copy thereof to the secretary of the senate and the clerk of the house of representatives. The president pro tem of the senate shall direct that a copy of the proposed order of rulemaking be delivered to the joint committee on administrative rules which may hold hearings thereon. The agency shall cooperate with the committee by providing any witnesses, documents or information within the control of the agency as may be requested.

5. Such proposed order of rulemaking shall not become effective prior to the expiration of thirty legislative days of a regular session after such order is filed with the secretary of state and the general assembly.

6. The committee may, by majority vote of its members, recommend that the general assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and, upon a finding that such rule or portion thereof should be disapproved and annulled upon the following grounds:

(1) Such rule is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity; and

(2) Such rule or portion thereof is not in the public interest or is not authorized by the general assembly for one or more of the following grounds:

(a) An absence of statutory authority for the proposed rule;

(b) The proposed rule is in conflict with state law;

(c) Such proposed rule is likely to substantially endanger the public health, safety or welfare;

(d) The rule exceeds the purpose, or is more restrictive than is necessary to carry out the purpose, of the statute granting rulemaking authority;

(e) A substantial change in circumstance has occurred since enactment of the law upon which the proposed rule is based as to result in a conflict between the purpose of the law and the proposed rule, or as to create a substantial danger to public health and welfare;

(f) The proposed rule is so arbitrary and capricious as to create such substantial inequity as to be unreasonably burdensome on persons affected.

7. Any recommendation or report issued by the committee pursuant to subsection 6 of this section shall be admissible as evidence in any judicial proceeding and entitled to judicial notice without further proof.

8. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and annul any rule or portion thereof upon one or more of the grounds stated in subsection 6 of this section.

9. Any rule or portion thereof not disapproved within thirty legislative days of a regular session pursuant to subsection 8 of this section shall be deemed approved by the general assembly and the secretary of state may publish such order of rulemaking as soon as practicable upon the expiration of thirty legislative days of a regular session after the order of rulemaking was filed with the secretary of state and the general assembly.

10. Upon adoption of such concurrent resolution as provided in subsection 8 of this section, the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor, or vetoed and subsequently acted upon by the general assembly pursuant to article III, section 32 of the Missouri Constitution. If such concurrent resolution is adopted and signed by the governor or reconsidered pursuant to article III, section 32, the secretary of state shall publish in the Missouri Register, as soon as practicable, the order of rulemaking along with notice of the proposed rules or portions thereof which are disapproved and annulled by the general assembly.

11. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable and the delegation of legislative authority to an agency to propose orders of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly to review, to delay the effective date or to disapprove and annul a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking pursuant thereto shall be invalid and void.

12. Nothing in this section shall prevent the general assembly from adopting by bill within thirty legislative days of a regular session the rules or portions thereof, or as the same may be amended, as contained in a proposed order of rulemaking. In that event, the proposed order of rulemaking shall have been superseded and any rule proposed therein shall be void and only such rules adopted by the general assembly and submitted to the governor may become effective. Rules so adopted shall be published by the secretary of state as soon as practicable. In that event, the secretary of state shall not publish the proposed order of rulemaking and such proposed order of rulemaking shall be invalid and void.

13. Upon adoption of any rule now in effect or hereafter promulgated, any such rule or portion thereof may be revoked by the general assembly either by bill, or by concurrent resolution pursuant to article IV, section 8 of the constitution on recommendation of the committee on administrative rules upon the grounds listed in subsection 6 of this section. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the revocation."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Staples moved that **SS** for **SCS** for **HB 207**, as amended, be adopted, which motion prevailed.

On motion of Senator Staples, **SS** for **SCS** for **HB 207**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28

Nays--Senators

Caskey	Howard	Rohrbach	Russell
Schneider--5			

Absent--Senators--Curls--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Childers	Clay
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DePasco	Ehlmann	Flotron	Goode
Graves	Jacob	Johnson	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Scott
Singleton	Staples	Westfall	Wiggins
Yeckel--25			

Nays--Senators

Caskey	House	Howard	Kenney
Rohrbach	Russell	Schneider	Sims--8

Absent--Senators--Curls--1

Absent with leave--Senators--None

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Bentley moved that **SCS** for **SB 373**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Bentley moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls Schneider--2

Absent with leave--Senators--None

On motion of Senator Bentley, **SCS** for **SB 373**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--Curls--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HB 259, with **SCS**, introduced by Representative Liese, entitled:

An Act to amend chapter 376, RSMo, by adding thereto twelve new sections relating to settlement of life insurance policies, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Flotron.

SCS for **HB 259**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 259

An Act to amend Chapter 376, RSMo, by adding thereto twenty-three new sections relating to settlement of life insurance policies, with penalty provisions.

Was taken up.

Senator Flotron moved that **SCS** for **HB 259** be adopted.

Senator Flotron offered **SS** for **SCS** for **HB 259**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 259

An Act to repeal section 409.402, RSMo Supp. 1996, and section 409.401 as enacted by house committee substitute for senate bill no. 375 of the first regular session of the eighty-ninth general assembly, relating to settlement of life insurance policies, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions.

Senator Flotron moved that **SS** for **SCS** for **HB 259** be adopted, which motion prevailed.

Senator Mathewson resumed the Chair.

On motion of Senator Flotron, **SS** for **SCS** for **HB 259** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator McKenna moved that **HB 301**, with **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Kenney, the above amendment was withdrawn.

Senator Staples assumed the Chair.

Senator Rohrbach offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend House Bill No. 301, Page 2, Section 143.183, Line 29, by inserting immediately before the "." on said line the following: "and, after December 31, 2007 or when the trust fund balance from public money equals one hundred million dollars, whichever comes last, no more general revenue may be appropriated to the fund.".

Senator Rohrbach moved that the above amendment be adopted.

Senator Ehlmann requested a roll call vote be taken and was joined in his request by Senators Childers, Howard, McKenna and Wiggins.

SA 3 failed of adoption by the following vote:

Yeas--Senators

Bentley	Ehlmann	Goode	Graves
Howard	Kenney	Lybyer	Mueller
Rohrbach	Russell	Schneider--11	

Nays--Senators

Banks	Caskey	Childers	Clay
DePasco	Flotron	House	Jacob
Johnson	Kinder	Klarich	Mathewson
Maxwell	McKenna	Quick	Scott
Sims	Staples	Wiggins	Yeckel--20

Absent--Senators

Curls	Singleton	Westfall--3
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Absent with leave--Senators--None

President Wilson resumed the Chair.

On motion of Senator McKenna, **HB 301**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--Rohrbach--1

Absent--Senators

Curls Schneider--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Quick moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 141**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Quick moved that **SB 449**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Quick moved that **HCA 1** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--Curls--1

Absent with leave--Senators--None

On motion of Senator Quick, **SB 449**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Curls	McKenna	Schneider--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HCS for **HB 696**, with **SCS**, was placed on the Informal Calendar.

HS for **HB 811**, with **SCA 1**, was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 697**, with **SCA 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 697**, with **SCA 1**, entitled:

An Act to repeal section 43.265, RSMo Supp. 1996, relating to the highway patrol's funds, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator McKenna.

SCA 1 was taken up.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

On motion of Senator McKenna, **HCS** for **HB 697**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

Nays--Senators--Rohrbach--1

Absent--Senators

Curls Staples--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HJR 2, introduced by Representative Kreider, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri, relating to school district indebtedness and adopting one new section in lieu thereof relating to the same subject.

Was taken up by Senator Maxwell.

On motion of Senator Maxwell, **HJR 2** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	House
Jacob	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Quick	Russell
Schneider	Scott	Sims	Westfall
Wiggins	Yeckel--22		

Nays--Senators

Banks	Flotron	Graves	Howard
Kenney	Kinder	Klarich	Mueller
Rohrbach	Singleton--10		

Absent--Senators

Curls	Staples--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HJR 18, introduced by Representatives Harlan and Copeland, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 15 of article IV of

the Constitution of Missouri, relating to the state treasurer and adopting one new section in lieu thereof relating to the same subject.

Was taken up by Senator Quick.

On motion of Senator Quick, **HJR 18** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		

Nays--Senators

Kinder	Russell--2
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Absent--Senators

Curls	Staples--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Kenney, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 316**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 316

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House

Committee Substitute for Senate Committee Substitute for Senate Bill No. 316, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 316;
- 2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 316;
- 3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 316 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Bill Kenney /s/ Don Lograsso

/s/ Ronnie DePasco /s/ Thomas J. Hoppe

/s/ Harry Wiggins /s/ David R. Reynolds

/s/ Jim Mathewson /s/ Bill Luetkenhaus

/s/ Sam Graves /s/ Carson Ross

Senator Kenney moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Curls	Klarich	Schneider--3
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Absent with leave--Senators--None

On motion of Senator Kenney, **CCS** for **HCS** for **SCS** for **SB 316**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 316

An Act to repeal section 301.210, RSMo 1994, and section 301.025, RSMo Supp. 1996, relating to personal property tax receipts used for motor vehicle registration, and to enact in lieu thereof two new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Curls	McKenna	Schneider--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Quick moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HB 390**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Staples, on behalf of the conference committee appointed to act with a like committee from the House on **SB 315**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE BILL NO. 315

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Bill No. 315, with House Committee Amendment No. 1, House Substitute Amendment No. 1 for House Committee Amendment No. 2, House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment No. 3, as amended, House Amendment No. 4, House Amendment No. 5 and House Amendment No. 6; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. The House recede from its position on House Committee Amendment No. 1, House Substitute Amendment No. 1 for House Committee Amendment No. 2, House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment No. 3, as amended, House Amendment No. 4, House Amendment No. 5 and House Amendment No. 6;

2. The Senate recede from its position on Senate Bill No. 315 as perfected;

3. The attached Conference Committee Substitute for Senate Bill No. 315 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Danny Staples /s/ Don Koller

/s/ Mike Lybyer /s/ Dick Franklin

/s/ Harold Caskey /s/ Stephen Stoll

/s/ Sam Graves Vicky Hartzler

/s/ Anita Yeckel Charlie Shields

Senator Staples moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Staples	Westfall	Wiggins
Yeckel--29			

Nays--Senators

Ehlmann Singleton--2

Absent--Senators

Curls McKenna Sims--3

Absent with leave--Senators--None

On motion of Senator Staples, **CCS** for **SB 315**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 315

An Act to repeal sections 304.050 and 307.375, RSMo 1994, relating to crossing control arms on school buses, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--Singleton--1

Absent--Senators

Curls McKenna Sims--3

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Schneider moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HCS** for **HBs 69** and **179** and **HCS** for **HB 669**, as amended, and grant the House a conference thereon, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Jacob moved that **HCR 29** be taken up for adoption, which motion prevailed.

On motion of Senator Jacob, **HCR 29** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Curls	McKenna	Schneider	Scott--4
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Absent with leave--Senators--None

Senator Quick assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SS for SB 11**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 11

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Bill No. 11, with House Amendment No. 1, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10, House Amendment No. 11, House Amendment No. 12, House Amendment No. 13, House Amendment No. 14 and House Substitute Amendment No. 1 to House Amendment No. 15; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on the House Committee Substitute for Senate Substitute for Senate Bill No. 11, with House Amendment No. 1, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10, House

Amendment No. 11, House Amendment No. 12, House Amendment No. 13, House Amendment No. 14 and House Substitute Amendment No. 1 to House Amendment No. 15;

2. That the Senate recede from its position on the Senate Substitute for Senate Bill No. 11;

3. That the attached Conference Committee Substitute be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Harold Caskey /s/ Sam Leake

/s/ John E. Scott /s/ Richard Franklin

/s/ Jim Mathewson /s/ Gary Wiggins

/s/ Sam Graves /s/ Mark Richardson

/s/ Morris Westfall /s/ Beth Long

Senator Howard assumed the Chair.

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Curls
DePasco	Flotron	Graves	House
Howard	Jacob	Johnson	Kinder
Klarich	Mathewson	Maxwell	McKenna
Russell	Scott	Sims	Staples
Westfall	Wiggins--22		

Nays--Senators

Ehlmann	Goode	Kenney	Lybyer
Mueller	Quick	Rohrbach	Schneider
Singleton	Yeckel--10		

Absent--Senators

Bentley	Clay--2
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Absent with leave--Senators--None

On motion of Senator Caskey, **CCS** for **HCS** for **SS** for **SB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 11

An Act to repeal sections 49.082, 50.334, 51.281, 52.269, 53.082, 53.270, 54.261, 54.320, 55.091, 56.600, 56.830, 57.295, 57.317, 57.550, 59.220, 82.390, 82.520 and 82.599, RSMo 1994, and sections 50.333, 50.343, 52.230, 56.265, 58.095, 58.700 and 473.739, RSMo Supp. 1996, relating to certain county officers, and to enact in lieu thereof thirty new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Curls
DePasco	Graves	Jacob	Johnson
Kinder	Klarich	Mathewson	Maxwell
Russell	Scott	Sims	Staples
Westfall	Wiggins--18		

Nays--Senators

Ehlmann	Flotron	Goode	House
Howard	Kenney	Lybyer	Mueller
Quick	Rohrbach	Singleton	Yeckel--12

Absent--Senators

Bentley	Clay	McKenna	Schneider--4
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 89**, as amended: Representatives: Crump, Hosmer, Parker, Legan and Richardson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SB 11**, as amended: Representatives: Leake, Franklin, Wiggins, Richardson and Long.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SB 121**, as amended: Representatives: Williams (121), Smith, Hosmer, Ostmann and Donovan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HCS** for **HB 335**, as amended: Representatives: Harlan, Foley, Bland, Griesheimer and Pryor.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 21**, entitled:

An Act to repeal section 67.671, RSMo 1994, and section 67.1200, RSMo Supp. 1996, relating to sales taxes for economic development and tourism, and to enact in lieu thereof forty-four new sections relating to the same subject, with an emergency clause.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 21, Page 14, Section 67.1300, Line 18, by adding immediately after said line, the following:

"13. For purposes of this section, the term "economic development" is limited to the following:

- (1) Operations of economic development or community development offices, including the salaries of employees;**
- (2) Provision of training for job creation or retention;**
- (3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and**
- (4) Refurbishing of existing structures and property relating to community development."**

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 21, Page 9, Section 67.1300, Line 10 of said page, by inserting after the word "**hundred**" the following: "**or a county of the third classification with a population greater than thirteen thousand nine hundred but less than fourteen thousand four hundred**".

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 21, Page 1, In the Title, Line 3 of said page, by deleting the word "section" and inserting in lieu thereof the following: "sections 52.230 and"; and

Further amend said bill, Page 1, In the Title, Line 6 of said page, by deleting the word "four" and inserting in lieu thereof the word "five"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the words "and section" and inserting in lieu thereof the following: "and sections 52.230 and"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by deleting the word "forty-four" and inserting in lieu thereof the word "forty-five"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by inserting after the word "sections" the following: "52.230,"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"52.230. Each year the collectors of revenue in all counties of the first class not having a charter form of government, and in all second, third and fourth class counties of the state, not under township organization, shall mail to all resident taxpayers, at least fifteen days prior to delinquent date, a statement of all real and tangible personal property taxes due and assessed on the current tax books in the name of the taxpayers. Such statement shall also include the amount of real and tangible personal property taxes delinquent at the time of the mailing of the statement, including any interest and penalties associated with the delinquent taxes. **Such statement shall declare upon its face, or by an attachment thereto, that they are delinquent at the time such statement is mailed for an amount of real or tangible personal property taxes, or both.** Collectors shall also mail tax receipts for all the taxes received by mail."

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 21, Page 32, Section 184.880, Line 7, by inserting after all of said line the following:

"321.244. 1. Any fire protection district which has revised or reduced any levy which it has been authorized to impose under the provisions of section 321.225, 321.240, 321.241, 321.243, **321.246**, 321.610, or 321.620, under any provision of the constitution or laws of this state, may increase each such revised or reduced levy up to, but not in excess of, the maximum limits allowed under the section authorizing the rate of levy sought to be increased by submitting the following proposition to the voters of the district at any primary, general or special election:

Shall the board of directors of the Fire Protection District be authorized to increase the rate of levy forfrom

(Insert purpose of which tax is levied)

..... cents to cents on each one hundred dollars of assessed valuation?

☐ Yes ☐ No

2. If any of the propositions submitted under subsection 1 of this section is approved by a majority of the voters of the district voting thereon, the board of directors may increase the levy which was the subject of such proposition to the amount authorized by such proposition.

321.246. 1. The governing body of any fire protection district which operates within both a county of the first classification with a charter form of government and with a population greater than six hundred thousand but less than nine hundred thousand and a county of the fourth classification with a population greater than thirty thousand but less than thirty-five thousand and that adjoins a county of the first classification with a charter form of government, or the governing body of any fire protection district which contains a city of the fourth classification having a population greater than two thousand four hundred when the city is located in a county of the first classification without a charter form of government having a population greater than one hundred fifty thousand and the county contains a portion of a city with a population greater than three hundred fifty thousand may impose a sales tax in an amount of up to one-half of one percent on all retail sales made in such fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo.

The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district submits to the voters of the fire protection district, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the fire protection district of (district's name) impose a district-wide sales tax of
. for the purpose of providing revenues for the operation of the fire protection district?

☐ Yes ☐ No

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of the fire protection district resubmits a proposal to authorize the governing body of the fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district.

4. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the fire protection district sales tax trust fund established pursuant to section 321.242. The moneys in the fire protection district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each fire protection district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the fire protection district and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the fire protection district which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district, and all expenditures of funds arising from the fire protection district sales tax trust fund shall be for the operation of the fire protection district and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any fire protection district for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts. If any fire protection district abolishes the tax, the fire protection district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such fire protection district, the director of revenue shall remit the balance in the account to the fire protection district and close the account of that fire protection district. The director of revenue shall notify each fire protection district of each instance of any amount refunded or any check redeemed from receipts due the fire protection district. In the event a tax within a fire protection district is approved under this section, and such fire protection district is dissolved, the tax shall lapse on the date that the fire protection district is dissolved and the proceeds from the last collection of such tax shall be distributed to the governing bodies of the counties formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such counties.

6. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section."; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 21, Page 39, Section 2, Line 2 of said page, by inserting after all of said line the following:

"3. The provisions of sections 2 to 19 of this act shall only apply to a city located in more than three counties with a population greater than four hundred thousand, Any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, or any city not within a county."

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 21, Pages 80 and 81, Section 20, Chapter 184.880, Line 19, by deleting all of said Section 20; and further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Bill No. 21, Page 9, Section 67.1300, Line 10 of said page, by inserting after the word **"hundred"** the following: **"or a county of the third classification with a population greater than sixteen thousand eight hundred but less than seventeen thousand or a county of the third classification with a population greater than forty-four thousand but less than forty-five thousand"**.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Bill No. 21, Page 1, In the Title, Line 3, by deleting the word **"two"** and inserting in lieu thereof the word **"three"**; and

Further amend said bill, Page 87, Section B, Line 19, by inserting after all of said line the following:

"Section C. One new section is enacted, to be known as section 2, to read as follows:

Section 2. As referred to in sections 92.110 and 92.210, RSMo, the terms salaries, wages, commissions and other compensation shall not include any contributions to any deferred compensation plan, including, but not limited to, any salary reduction plan, cafeteria plan or any other similar plan deferring the receipt of compensation by a resident or nonresident if such contribution is not subject to Missouri state income tax at the time such contribution is made."

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Bill No. 21, Page 81, Section 21, Line 17, by adding immediately after the word **"county"** the following words **"or a portion thereof"**; and further amend said bill page 83, Section 23, Line 18 by adding immediately after the word **"county"** the following words **"or a portion thereof"**.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Bill No. 21, Page 87, Section 27, Line 11, by inserting after all of said line the following:

"Section 28. 1. The governing body of any city in which is located the seat of state government is hereby authorized to impose, by ordinance or order, a sales tax on all retail sales which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of funding economic development. For the purposes of this section, the term "economic development" shall mean the promotion of the economy of the city,

the development of the city, trade, business, conventions, tourism, and other activities and programs impact on the economy of the city, including the funding of the construction and operation of civic and convention centers, as determined by the city imposing the tax. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. The ordinance or order shall become effective after the governing body of the city shall submit to the voters of that city a proposal to authorize the tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of (name of city) impose a sales tax of (inset amount) for the purpose of funding economic development?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order shall be in effect, beginning the first day of the second calendar quarter following its adoption. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the city shall have no power to impose the sales tax authorized in this section unless and until the governing body of the city shall again have submitted another such proposal and the proposal is approved by the requisite majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal submitted pursuant to this section.

3. After the effective date of any tax imposed pursuant to the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax in the same manner as provided in sections 94.500 to 94.550, RSMo, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized pursuant to the authority of this section. The tax imposed pursuant to this section and the tax imposed under the sales tax law of the state Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

4. The sales tax may be approved at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, one-half of one percent, five-eighths of one percent, three-fourths of one percent, seven-eighths of one percent, or one percent of the receipts from the sale at retail of all tangible personal property and taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo.

5. All revenue generated from the tax authorized pursuant to the provisions of this section shall be deposited into the "Local Economic Development Sales Tax Fund", which is hereby created in the state treasury. The fund moneys shall be distributed to the city from which the revenue was generated for the sole purpose of funding economic development, as that term is defined in this section. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the fund shall be used solely for that purpose."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Bill No. 21, Page 32, Section 1, by deleting all of said section; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Bill No. 21, Page 14, Section 67.1300, Line 18, by adding immediately after said line, the following:

"99.870. (1) Any city with a population in excess of 400,000 may file a plan with the department of economic development to develop a race track facility classified in SIC 7944, in an enterprise zone as described in Chapter 135 RSMo. If the director and the commissioner of administration approve the plan, the director may provide that some portion of the state sales tax generated by the development be rebated to the department of revenue, which shall deposit such rebate in a special fund for the purpose of paying the cost of public infrastructure necessitated by the project. Monies in such special fund shall be expended only as approved by appropriation of the General Assembly. In determining the amount of state sales tax so generated, the director may use such reasonable multipliers as are commonly accepted by the International Association of Convention and Visitors' Bureaus. The approval of the director shall become final upon the ratification thereof by the joint committee on economic development, policy and planning, established pursuant to Section 620.602, RSMo. The provisions of this section shall not apply to state sales tax revenues from redevelopment areas designated pursuant to Section 99.845. 4, and shall not apply to sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund pursuant to Section 144.701, and sales and use taxes on motor vehicles, trailers, boats, and outboard motors.

(2) There is hereby established within the state treasury a special fund to be known as the "Missouri Sales Tax Increment Financing Revolving Fund", to be administered by the department of revenue. The department shall annually credit to the Missouri sales tax increment financing fund the sales tax authorized under the provisions of sections 99.845.4 and 99.870."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Bill No. 21, Page 1, In the Title, Line 1, by deleting "section 67.671" and inserting in lieu thereof the following: "sections 67.671 and 321.300"; and

Further amend said bill, Page 1, In the Title, Line 6, by deleting the word "four" and inserting in lieu thereof the word "five"; and

Further amend said bill, Page 1, Section A, Line 10, by deleting "Section 67.671" and inserting in lieu thereof the following: "Sections 67.671 and 321.300"; and

Further amend said bill, Page 1, Section A, Line 11, by deleting the word "forty-four" and inserting in lieu thereof the word "forty-five"; and

Further amend said bill, Page 1, Section A, Line 15, by inserting immediately after the number "184.880," the number "321.300,"; and

Further amend said bill, Page 32, Section 184.880, Line 7, by inserting after all of said line the following:

"321.300. 1. The boundaries of any district organized [under] **pursuant to** the provisions of this chapter may be changed in the manner [herein] prescribed **in this section**; but any change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any change of boundaries not been made.

2. The boundaries may be changed as follows:

(1) [Seventy-five percent of the owners of any territory or tract of land near or adjacent to a fire protection district who own not less than fifty percent of the real estate in such territory or tract of land and not located within only a part

of any municipality or another fire protection district] **Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed** may file with the board a petition in writing praying that such real property be included within the district; provided that in the case of a municipality having less than twenty percent of its total population in one fire protection district, the entire remaining portion may be included in another district so that none of the city is outside of a fire protection district at the time. The petition shall describe the property to be included in the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in the district of the property described in the petition; and such petition shall be in substantially the form set forth in section 321.495 dealing with referendums and verified in like manner; provided, however, that [in cases wherein the territory to be annexed contains more than two hundred taxpaying electors, a petition signed by at least one hundred taxpaying electors shall be sufficient, and] in the event that there are more than twenty-five property owners or taxpaying electors signing the petition, it shall be deemed sufficient description of their property in the petition as required in this section to list the addresses of such property; or

(2) All of the owners of any territory or tract of land near or adjacent to a fire protection district who own all of the real estate in such territory or tract of land may file a petition with the board praying that such real property be included in the district. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in the district of the property described in the petition;

(3) Notwithstanding any provision of law to the contrary, in any fire protection district which is partly or wholly located in a noncharter county of the first classification with a population of less than one hundred thousand which adjoins any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, if such fire protection district serves any portion of a city which is located in both such counties, the boundaries of the district may be expanded so as to include the entire city within the fire protection district, but the boundaries of the district shall not be expanded beyond the city limits of such city, as the boundaries of such city existed on January 1, 1993. Such change in the boundaries of the district shall be accomplished only if [seventy-five percent of the owners of any territory or tract of land within that part of the city which is not within the fire protection district] **twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed** file with the board a petition in writing praying that such real property be included within the district. The petition shall describe the property to be included in the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in the district of the property described in the petition; and such petition shall be in substantially the form set forth in section 321.495 dealing with referendums and verified in like manner.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners, a general description of the boundaries of the area proposed to be included and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted. The failure of any person interested to show cause in writing why such petition shall not be granted shall be deemed as an assent on his part to the inclusion of such lands in the district as prayed for in the petition.

4. If the board deems it for the best interest of the district, it shall grant the petition, but if the board determines that some portion of the property mentioned in the petition cannot as a practical matter be served by the district, or if it deems it for the best interest of the district that some portion of the property in the petition not be included in the district, then the board shall grant the petition in part only. If the petition is granted, the board shall make an order to that effect and file the same with the circuit clerk; and upon the order of the court having jurisdiction over the district, the property shall be included in the district. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the property shall be included in the district upon the order of the court. If the petition contains the signatures of [seventy-five percent of the property owners] **twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed** pursuant to subdivision (1) or subdivision (3) of subsection 2 of this section, the property shall be included in the district subject to the election provided in section 321.301. The circuit court having jurisdiction over the district shall

proceed to make any such order including such additional property within the district as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board.

6. No fire protection district, or employee thereof, in which territory is annexed pursuant to this section shall be required to comply with any prescribed firefighter training program or regimen which would not otherwise apply to the district or its employees, but for the requirements applicable to the annexed territory."

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 128**.

With House Amendment No. 1 to House Amendment No. 1; House Amendment No. 1, as amended; and House Amendments Nos. 2 and 4.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 128, Page 1, In the Title, Line 2, by deleting the following on said line "and 408.233" and inserting in lieu thereof the following ", **408.233 and 408.500**"; and

Further amend said title, line 4, by deleting the word "five" and inserting in lieu thereof the word "**six**"; and

Further amend said bill, page 1, section A, line 1, by deleting the following on said line "and 408.233" and inserting in lieu thereof the following ", **408.233 and 408.500**"; and

Further amend said section, line 2, by deleting the word "five" and inserting in lieu thereof the word "**six**"; and

Further amend said section, line 4, by deleting the following on said line "and 408.233" and inserting in lieu thereof the following ", **408.233 and 408.500**"; and

Further amend said bill, page 7, section 408.233, line 63, by inserting immediately after said line the following:

"408.500. 1. Lenders exclusively in the business of making unsecured loans under five hundred dollars and who are not otherwise registered under chapter 408, RSMo, shall be registered with the director of the division of finance upon the payment of an annual registration fee of three hundred dollars. The license year shall commence on January first each year and the license fee may be prorated for expired months. Such lenders shall not charge, contract for or receive on such loans interest or any fee of any type or kind whatsoever which exceed the approved rate as provided in this subsection. Lenders shall file a rate schedule with the director who, upon review, shall approve rates comparable with those lawfully charged in the marketplace for similar loans. In determining marketplace interest rates, the director shall consider the appropriateness of rate requests made by lenders and rates allowed on similar loans in the states contiguous to Missouri. If the director takes no action upon a filed rate schedule within thirty days of receipt, then it shall be deemed approved as filed. The director, on January first and July first of each year, shall consider the filing of new interest rate schedules to reflect changes in the marketplace. The director may promulgate rules regarding the computation and payment of interest, contract statements, payment receipts and advertising for loans made under the provisions of this section. The provisions of this section shall not apply to pawnbroker loans and small loans as authorized under chapter 367, RSMo.

2. Any contract evidencing any fee or charge of any kind whatsoever, except for bona fide clerical errors, in excess of the rate established under this section shall be void. Any person, firm or corporation who receives or imposes a fee or charge in excess of the rate established under this section shall be guilty of a class A misdemeanor.

3. Notwithstanding any other law to the contrary, cost of collection expenses, which include court costs and attorneys expenses, awarded by the court in suit to recover on a bad check or breach of contract shall not be considered as a fee or charge for purposes under this section."

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to Senate Bill No.128, Page 3, Section 408.500, Line 2, by adding after the word "and" the word "reasonable".

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 128, Page 1, In the Title, Line 4, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word and figure "and 408.233" and inserting in lieu thereof the following: ", 408.233 and 1"; and

Further amend said bill, Page 7, Section 408.233, Line 63, by inserting after all of said line the following:

"Section 1. 1. Except as otherwise provided in this section, any contract, entered into after the effective date of this section, for the sale, service or lease of manufactured goods or commodities or for the providing of services shall not contain a provision that the contract shall be automatically renewed at the end of a certain period of time unless such contract provides that the party providing the goods, commodities or services shall be required to send a written notice to all parties who are subject to the contract. The party providing the goods, commodities or services shall send such a notice to all other parties to the contract at least thirty days, but not more than sixty days, before the date of the renewal of the contract. Such notice shall state if the terms of the contract subject to renewal are the same as the previous contract period or if any terms in the contract are changed. The contract may be terminated at the end of the contract period by any party if the party sends a written notice of the termination of the contract to the other parties subject to the contract before the renewal date of the contract. The contract may provide that the contract may be automatically renewed on the terms provided in the renewal notice if no party to the contract sends a notice of termination of the contract prior to the date of renewal. The notification requirements required in contracts pursuant to this section may be specifically waived within the contract for a specified period of time by placing a waiver within the contract in a prominent place in the written contract, but such a waiver shall only be valid where the party receiving the goods or services has indicated by signature or initials on that portion of the contract that such party has waived the notification requirements of this section. In addition, the provisions of this section shall not apply to any contract with the state or any political subdivision of this state, to any contract with a public institution of education in this state or to parties of automatic rollover contracts subject to cancellation at anytime without penalty or parties to contracts which provide for prorated refunds in the event of cancellation.

2. Any automatic renewal provision in a contract that violates the provisions of subsection 1 of this section is against public policy and is void and unenforceable."

HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 128, Page 7, Section 408.233, Line 63, by inserting immediately after said line the following:

"Section 1. For the purpose of determining the legal loan limit in section 362.170 RSMo., the population of the community where the bank or trust company is located, shall not include inmates of a correctional institution located in that community."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 358**.

With House Committee Amendments Nos. 1, 2 and 3; and House Amendments Nos. 1, 2 and 3.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 358, Page 4, Section 210.150, Line 92, by inserting immediately after the word "**person**" the words "**or child care facility**".

HOUSE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 358, Page 4, Section 210.150, Line 102, by inserting after the word "**neglect**" the following: "**The response shall be given within ten working days of the time it was received by the division**"; and

Further amend said bill, Page 7, Section 210.498, Line 15, by inserting after the word "**revoked.**" the following: "**The response shall be given within ten working days of the time it was received by the division.**".

HOUSE COMMITTEE AMENDMENT NO. 3

Amend Senate Bill No. 358, Page 1, In the Title, Line 2, by inserting after the number "1994," the words and number "and section 210.109, RSMo Supp. 1996,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the word "three"; and

Further amend said bill, Page 1, Section A, Lines 1 to 3, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Section 210.150, RSMo 1994, and section 210.109, RSMo Supp. 1996, are repealed and three new sections enacted in lieu thereof, to be known as sections 210.109, 210.150 and 210.498, to read as follows:

210.109. 1. [By January 1, 1995,] The division of family services shall establish a child protection system in [five] **eight** areas of the state selected by the division.

2. The child protection system shall seek to promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments in response to reports of child abuse or neglect. The system shall endeavor to coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

3. In implementing the child protection system, the division shall:

(1) Receive and maintain reports pursuant to the provisions of subsections 1 and 2 of section 210.145;

(2) Forward the report to the appropriate division staff who shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the

child. The division may investigate any report, but shall conduct an investigation involving reports, which if true, would constitute a violation of section 565.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or any other violation of chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a violation of section 567.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, a violation of section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes;

(3) Communicate reports of child abuse or neglect to the appropriate local office, pursuant to the provisions of subsection 4 of section 210.145;

(4) Contact the appropriate law enforcement agency upon receipt of a report of a violation of section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or any other violation of chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a violation of section 567.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, a violation of section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes, and shall provide such agency with a detailed description of the report received. The appropriate law enforcement agency shall assist the division in the investigation or provide the division, within a reasonable time, an explanation in writing detailing the reasons why it is unable to assist;

(5) Cause a thorough investigation or family assessment and services approach to be initiated within twenty-four hours of receipt of the report from the division, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation or family assessment and services approach shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation or family assessment and services approach shall include direct observation of the subject child within twenty-four hours of the receipt of the report;

(6) Investigate, if it is determined that an investigation is necessary, in compliance with the provisions of section 210.145;

(7) Assess, in cases where the family assessment and services approach is used, any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(8) Provide services, in cases in which the family assessment and services approach is used, which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(9) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(10) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed;

(11) Conduct a family assessment and services approach on reports initially referred for an investigation, if it is determined that a complete investigation is not required. If law enforcement officers are involved in the investigation, they shall provide written agreement with this decision. The reason for the termination of the investigative process shall be documented in the record;

(12) Assist the child and family in obtaining services, if at any time during the investigation it is determined that the child or any member of the family needs services;

(13) Collaborate with the community to identify comprehensive local services and assure access to those services for children and families where there is risk of abuse or neglect;

(14) Contact the person who made the report under section 210.115, pursuant to the provisions of section 210.145;

(15) Forward any evidence of malice or harassment to the local prosecuting or circuit attorney as required by the provisions of section 210.145;

(16) Provide services as required by section 210.145;

(17) Use multidisciplinary services as required by section 210.145;

(18) Update the information in the information system within thirty days of an oral report of abuse or neglect. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation or family assessment and services approach, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations or family assessments within thirty days, unless good cause for the failure to complete the investigation or assessment is documented in the information system. If the investigation or family assessment is not completed within thirty days the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter;

(19) Maintain a record which contains the facts ascertained which support the determination as well as the facts that do not support the determination.

4. By January 1, 1998, the division of family services shall submit documentation to the speaker of the house of representatives and the president pro tem of the senate on the success or failure of the child protection system established in this section. The general assembly may recommend statewide implementation or cancellation of the child protection system based on the success or failure of the system established in this section.

5. The documentation required by subsection 4 of this section shall include an independent evaluation of the child protection system completed according to accepted, objective research principles."

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 358, Page 1, In the Title, Line 2, by inserting after the number "1994," the following: "and section 660.317, RSMo Supp. 1996,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the word "three"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the following: "is repealed and two" and inserting in lieu thereof the following: "and section 660.317, RSMo Supp. 1996, are repealed and three"; and

Further amend said bill, Page 1, Section A, Lines 2 and 3, by deleting the word and number "and 210.498" and inserting in lieu thereof the following: ", 210.498 and 660.317"; and

Further amend said bill, Page 7, Section 210.498, Line 15, by inserting after all of said line the following:

"660.317. 1. For the purposes of this section, the term "provider" means any person, corporation or association who:

(1) Is licensed as an operator pursuant to chapter 198, RSMo;

(2) Provides in-home services under contract with the department;

(3) Employs nurses or nursing assistants for temporary or intermittent placement in health care facilities; or

(4) Is an entity licensed pursuant to chapter 197, RSMo;

(5) Is a public or private facility, day program, residential facility or specialized service operated, funded or licensed by the department of mental health.

2. For the purpose of this section "patient or resident" has the same meaning as such term is defined in section 43.540, RSMo.

3. Beginning August 28, 1997, [within] **not later than** two working days of hiring any person for a full-time, part-time or temporary position [that has] **to have** contact with any patient or resident the provider shall, or in the case of temporary employees hired through an employment agency, the employment agency shall prior to sending a temporary employee to a provider:

(1) Request a criminal background check as provided in section [610.120] **43.540**, RSMo; and

(2) Make an inquiry to the department of social services, whether the person is listed on the employee disqualification list as provided in section 660.315.

4. When the provider requests a criminal background check pursuant to section 43.530, RSMo, [or section 610.120, RSMo,] the requesting entity may require that the applicant reimburse the provider for the cost of such record check.

5. An applicant for a position [that has] **to have** contact with patients or residents of a provider shall:

(1) Sign a consent form as required by section 43.540, RSMo, so the provider may request a criminal records review;

(2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal history" includes any conviction or a plea of guilty to a misdemeanor or felony charge and shall include any suspended imposition of sentence, any suspended execution of sentence or any period of probation or parole; and

(3) Disclose if the applicant is listed on the employee disqualification list as provided in section 660.315.

6. A provider is guilty of a class A misdemeanor if the provider knowingly hires a person [that has] **to have** contact with patients or residents and the person has been convicted of, pled guilty to or nolo contendere in this state or any other state [to] **or has been found guilty of** any class A or B felony violation of chapter 565, 566 or 569, RSMo, **or any violation of subsection 3 of section 198.070, RSMo, or section 568.020, RSMo.**

7. The highway patrol shall examine whether protocols can be developed to allow a provider to request a statewide fingerprint criminal records review check through local law enforcement agencies.

8. A provider may use a private investigatory agency rather than the highway patrol to do a criminal history records review check, and alternatively, the applicant pays the private investigatory agency such fees as the provider and such agency shall agree.".

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 358, Page 4, Section 210.150, Line 98, by inserting immediately after the period "." the following: **"The notarized release form shall include the full name, date of birth and social security number of the person who does or may provide care or services to a child."**; and

Further amend said bill, Page 6, Section 210.498, Line 10, by inserting after the period "." the following: **"The notarized release form shall include the full name, date of birth and social security number of the person who does or may provide care or services to a child."**

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 358, Page 7, Section 210.498, Line 15, by inserting after all of said line the following:

"566.617. 1. **Except as provided in subsection 3 of this section**, the statements, photographs, and fingerprints required by sections 566.600 to 566.625 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall be available [only] to courts, prosecutors and law enforcement agencies.

2. **Except as provided in subsection 3 of this section**, the statements, photographs, and fingerprints required by sections 566.600 to 566.625 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall not be open to inspection by the public or any person, other than a regularly employed peace officer or law enforcement officer.

3. **Notwithstanding any provision of law to the contrary, the local law enforcement agency shall provide a complete list of the names and addresses of each offender registered within such agency's jurisdiction as well as the crime for which such offender was convicted to any person upon request.**"; and

Further amend said bill, by amending the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 390**, as amended: Senators Quick, McKenna, Scott, Westfall and Graves.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 823, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thomas Jack (Tom) Drummy, Joplin, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Jackie Fike, Sedalia; and Linda, Matthew and Sara Kahrs, Hughesville; and Matthew was made an honorary page.

Senator Ehlmann introduced to the Senate, thirty-eight eighth grade students from St. Patrick's School, Wentzville; and Sara Edinger, Jesse Hakenewerth, Dena Keling and Tim Moorman were made honorary pages.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Tuesday, May 13, 1997.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-NINTH DAY--TUESDAY, MAY 13, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, an Old Testament proverb says, "A word fitly spoken is like apples of gold in pictures of silver." Lord, guide us to speak our words carefully. Help us to speak words of comfort to those who sorrow, words of cheer to those who are sad, and friendly words to all. Help our words fitly spoken to be matched by deeds rightly done. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 824, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. L. E. Caudle, Dexter, which was adopted.

CONCURRENT RESOLUTIONS

Senator Lybyer moved that **HCR 27** be taken up for adoption, which motion prevailed.

On motion of Senator Lybyer, **HCR 27** was adopted by the following vote:

Yeas--Senators

Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators--None

Absent--Senators

Banks	Bentley	Curls	Jacob
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Johnson--5

Absent with leave--Senators--None

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 713**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HBs 69** and **179** and **HCS** for **HB 669**, as amended: Senators Schneider, Goode, Caskey, Ehlmann and Klarich.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HCS** for **HB 557**, with **SCS**; **HS** for **HCS** for **HB 361**, with **SCS**; and **HB 578**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

HS for **HB 811**, with **SCA 1**, entitled:

An Act relating to creating the healthy Missouri children corporation, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Quick.

SCA 1 was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SS** for **HS** for **HB 811**, entitled:

SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 811

An Act relating to creating the healthy Missouri children corporation, with a penalty provision.

Senator Quick moved that **SS** for **HS** for **HB 811** be adopted.

Senator Westfall offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Bill No. 811, Page 8, Section 8, Line 25, by inserting following said line:

"Section 9. State funds are prohibited from being appropriated to fund programs authorized by this act.".

Senator Westfall moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Kinder offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Bill No. 811, Page 8, Section 8, Line 25, by inserting following said line:

"Section 9. State funds are prohibited from being appropriated, conveyed or loaned to fund programs authorized by this act.".

Senator Kinder moved that the above substitute amendment be adopted.

Senator Johnson assumed the Chair.

At the request of Senator Kinder, **SSA 1** for **SA 1** was withdrawn.

Senator Kinder offered **SSA 2** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Bill No. 811, Page 8, Section 8, Line 25, by inserting following said line:

"Section 9. State and federal funds are prohibited from being appropriated, conveyed or loaned to fund programs authorized by this act.".

Senator Kinder moved that the above substitute amendment be adopted.

At the request of Senator Quick, **HS** for **HB 811**, with **SS**, **SA 1** and **SSA 2** for **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HCS** for **HJR**s **13** and **6**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Joint Resolutions Nos. 13 and 6, Page 2, Section 39(a), Line 39, by inserting after the word "community" the words "**and to insure that no person who participates in the management, conduct or operation of any game has been convicted of or pleaded nolo contendere to any felony or any gambling related offense**".

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 766**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 883**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 883, Page 2, Section 589.400, Line 9, by striking the word "used" and inserting in lieu thereof the following: "**use of**"; and

Further amend said bill, page 3, section 589.417, line 1, by striking the numeral "1."; and

Further amend said bill, page and section, line 3, by striking the following: "shall be available only to" and inserting in lieu thereof the following: "**shall not be open to inspection by the public or any person, other than**"; and

Further amend said bill, page and section, lines 5 to 9, by striking all of said lines.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HS** for **HB 389**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Substitute for House Bill No. 389, Page 5, Section 301.142, Line 131, by striking the following: "or current"; and

Further amend said bill, page 8, section 302.302, lines 65 to 67, by striking all of said lines.

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Substitute for House Bill No. 389, Page 5, Section 301.143, Line 22, by inserting an opening bracket "[" immediately before the word "in" and a closing bracket "]" immediately after the word "background"; and

Further amend said bill and section, page 6, line 33, by inserting an opening bracket "[" immediately before the word "in" and a closing bracket "]" immediately after the word "background".

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 151**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 34**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator Quick, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 825, regarding Republic Police Officer Frank W. Duren, which was adopted.

Senator Westfall offered Senate Resolution No. 826, regarding Republic Police Officer Edward A. Goodwin, which was adopted.

Senator Scott offered Senate Resolution No. 827, regarding Mr. Jim Goldammer, Jefferson City, which was adopted.

Senator Russell offered Senate Resolution No. 828, regarding Linda Leigh Daake, which was adopted.

Senator Quick offered Senate Resolution No. 829, regarding John J. (Mug) McIsaac, IV, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 830, regarding Matthew J. (Matt) Weir, Kansas City, which was adopted.

Senator Caskey offered Senate Resolution No. 831, regarding April Harrison, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 832, regarding Amanda Page, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 833, regarding Joe Terry, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 834, regarding Jonathan Brockmeier, Warrensburg, which was

adopted.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate refuse to concur in **HS** for **HCS** for **SB 21**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 104**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, Senator Johnson submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 831**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 831, Page 1, In the Title, Line 2, by striking "section 89.320" and inserting in lieu thereof the following: "sections 70.385, 70.390 and 89.320"; and further amend line 3, by striking "one new section" and inserting in lieu thereof the following: "three new sections"; and

Further amend said bill, page 1, section A, line 1, by striking "section 89.320" and inserting in lieu thereof the following: "sections 70.385, 70.390 and 89.320"; and further amend said line, by striking the word "is" and inserting in lieu thereof the word "are"; and further amend said line, by striking "one new section" and inserting in lieu thereof the following: "three new sections"; and further amend line 2, by striking "section 89.320" and inserting in lieu thereof the following: "sections 70.385, 70.390 and 89.320"; and further amend said line, by inserting immediately after said line the following:

"70.385. [Each appointment] **1. Two of the five appointments** made by the governor [under] **pursuant to** the provisions of section 70.380 shall be selected from a panel of three nominees[, submitted alternately as vacancies occur,] **submitted** by the mayor of St. Louis city [and]. **Two of the five appointments made by the governor pursuant to the provisions of section 70.380 shall be selected from a panel of three nominees submitted by the county executive of St. Louis County.**

2. The fifth appointment made by the governor pursuant to section 70.380 shall be selected from a panel of three nominees submitted alternately by the mayor of St. Louis city and the county executive of St. Louis County. The next appointment following August 28, 1997, shall be to fill the commissioner position described in this subsection and shall be made from three nominees submitted by the county executive of St. Louis County. The next appointment for the commissioner position described in this subsection shall be made from three nominees submitted by the mayor of St. Louis city whereupon the order of nomination and appointment for this position will repeat itself.

3. The order of the appointments made pursuant to subsection 1 of this section shall be as follows:

(1) One from the panel of nominees submitted by the mayor of St. Louis city;

(2) One from the panel of nominees submitted by the county executive of St. Louis County whereupon the order of such appointments shall repeat itself.

4. Whenever the mayor or the county executive submits a panel of three nominees, they shall adhere to the intent set forth in the provisions of subsection 2 of section 213.020, RSMo.

70.390. Of the commissioners first appointed one shall be appointed to serve for a term of one year, one for two years, one for three years, one for four years and one for five years. At the expiration of the term of each commissioner and of each succeeding commissioner, the governor shall, by and with the advice and consent of the senate, appoint a successor who shall hold office for a term of five years **if such successor is appointed to fill a commissioner position described in subsection 1 of this section. If a commissioner is appointed to fill the commissioner position described in subsection 2 of this section, then such commissioner shall hold office for a term of three years.** Each commissioner shall hold office until his or her successor has been appointed and qualified."

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HCS** for **HB 528**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HJR 11**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 787**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1, 2, 3, 4 and 5.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 787, Page 2, Section 160.021, Line 3, by inserting immediately after all of said line the following:

"167.117. 1. In any instance when any person is believed to have committed an act which if committed by an adult would be assault in the first[, second or third] **or second** degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent. **In instances when any person is believed to have committed an act which if committed by an adult would be assault in the third degree, the principal may determine whether the act is of such a serious nature that it should be reported to the superintendent or the appropriate local law enforcement agency or both.**

2. In any instance when a pupil is discovered to have on or about such pupil's person, or among such pupil's possessions, or placed elsewhere on the school premises, any controlled substance as defined in section 195.010, RSMo, or any weapon as defined in subsection 4 of section 160.261, RSMo, in violation of school policy, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent.

3. In any instance when a teacher becomes aware of an assault as set forth in subsection 1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth in subsection 2 of this section, the teacher shall immediately report such incident to the principal.

4. A school employee, superintendent or such person's designee who in good faith provides information to police under subsection 1 or 2 of this section shall not be civilly liable for providing such information.

5. Any school official responsible for reporting pursuant to this section or section 160.261, RSMo, who willfully neglects or refuses to perform this duty shall be subject to the penalty established pursuant to section 162.091, RSMo.";

and

Further amend the title and enacting clause accordingly.

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 787, Page 2, Section 160.021, Line 3, by inserting immediately after all of said line the following:

"162.975. 1. Each school district or special school district which provides approved special education services for handicapped or severely handicapped children under sections 162.670 to 162.995 or approved extended school year services for such children, shall be entitled under section 163.031, RSMo, to receive state aid. Additional state aid for such programs shall be allocated as follows in the following order of priority:

(1) A school district or special school district shall receive state aid for each child receiving services on homebound status or served by contractual arrangement with a private or public agency approved by the department of elementary and secondary education. The amount paid from state aid for such services shall be adjusted annually by the percent change in the appropriation of state funds to this section for the current fiscal year compared with that for the first preceding fiscal year.

(2) A school district or special school district shall receive state aid for approved extended school year services for handicapped or severely handicapped children. Prior to full implementation of subdivisions (4), (5) and (6) of this subsection, state aid paid for each approved staff member shall bear the same ratio to the amount payable for such staff during the immediate preceding school year as the ratio of the number of hours in the approved extended school year program bears to the number of hours in regular term programs for each respective school district or special school district approved under this section; provided that this amount shall be adjusted annually by the percent change in the appropriation of state funds to this section for the current fiscal year compared with the appropriation level for the first preceding fiscal year. After full implementation of subdivisions (4), (5) and (6) of this subsection, state aid shall be paid for each approved staff in an amount which bears the same ratio to the amount payable for such staff during the immediate preceding school year as the ratio of the number of hours in the approved extended school year program bears to the number of hours in regular term programs for each respective school district or special school district approved pursuant to this section; provided that the amount payable per approved staff member pursuant to this subdivision for the year of full implementation of subdivisions (4), (5) and (6) of this subsection and thereafter shall be, on a prorated basis, two times the amount payable per approved staff member pursuant to subdivision (4) of this subsection for the current school year.

(3) The division of youth services within the Missouri department of social services shall receive state aid for approved special education services. State aid shall be paid for each full time equivalent professional and paraprofessional staff member approved by the department of elementary and secondary education at the rate paid during the first full fiscal year preceding the year in which this section becomes effective plus an annual adjustment equal to the percent change in the appropriation of state funds to this section for the current fiscal year compared with the appropriation level for the first preceding year.

(4) A school district or special school district shall receive state aid for approved professional and paraprofessional staff who are employed or contracted to provide special education services for handicapped and severely handicapped children, including staff used by a school district or special school district to provide services before and after the normal school day for students attending nonpublic schools, including children for whom declarations of enrollment under section 167.042, RSMo, have been filed. Each school district or special school district employing or contracting for professional services or paraprofessional staff in the provision of special education services, as defined and approved by the department of elementary and secondary education, shall receive state aid at a full time equivalent rate based upon the total allocation of funds pursuant to this subdivision, after sufficient funds are allocated for subdivisions (1), (2) and (3) of this subsection. Paraprofessional staff shall be paid at one-half the rate paid full time equivalents of professional staff and contractors.

(5) Each school district or special school district providing special education services for handicapped or severely handicapped children shall receive state aid pursuant to section 163.031, RSMo, for each such eligible pupil, and such school district shall receive state aid for each child domiciled in the district and enrolled in a nonpublic school, including children for whom declarations of enrollment under section 167.042, RSMo, have been filed. The per resident student rate paid for students enrolled in nonpublic schools shall be one-half that paid per eligible pupil for students enrolled in a school district or special school district.

(6) No more than fifty percent of the total state aid appropriated pursuant to subdivisions (4) and (5) of this subsection shall be distributed pursuant to subdivision (5) of this subsection. No less than fifty percent of the state aid appropriated pursuant to subdivisions (4) and (5) of this subsection shall be distributed pursuant to subdivision (4) of this subsection. A sufficient share of the funds appropriated pursuant to this subsection shall be appropriated pursuant to subdivisions (1), (2) and (3) of this subsection to meet the requirements of those subdivisions. To the extent allowed by appropriations, the share of funds appropriated pursuant to subdivisions (4) and (5) of this subsection under subdivision (5) shall be increased until that share is equal to fifty percent, at which time subdivisions (4), (5) and (6) of this subsection shall be considered fully implemented, and such share shall remain equal to fifty percent for all years thereafter. No district shall receive less state aid under this section than received during the year preceding that when the phased implementation was begun.

(7) Contractors providing professional services funded under this section shall meet the state licensing and certification requirements appropriate to their contracted duties, as determined by the department of elementary and secondary education.

2. For approved special education and related services provided for handicapped and severely handicapped children under five years of age, but not under the age of three, entitlements for state aid established pursuant to this section and distributed pursuant to section 163.031, RSMo, shall not exceed ninety percent of the cost of the programs as specified in project applications and approved by the department of elementary and secondary education. Such programs shall not be eligible to receive funds allocated pursuant to subsection 1 of this section.

3. Each school district or special school district which provides an approved remedial reading program under provisions of sections 162.670 to 162.995 shall receive state aid established pursuant to this subsection and distributed pursuant to section 163.031, RSMo. The amount paid from state aid for such services shall be adjusted annually by the percent change in the appropriation of state funds for the state school aid district entitlements as established pursuant to section 163.031, RSMo, for the current fiscal year compared with that for the first preceding fiscal year. Such programs shall not be eligible to receive funds allocated pursuant to subsection 1 of this section.

4. For approved programs for gifted children, districts shall receive state aid under section 163.031, RSMo, not to exceed seventy-five percent of the cost of instructional personnel and special materials listed in project applications and approved by the department of elementary and secondary education. Such programs shall not be eligible to receive funds allocated pursuant to subsection 1 of this section.

[162.975. 1. Each school district or special school district maintaining one or more approved special programs for handicapped or severely handicapped children under the provisions of sections 162.670 to 162.995 shall be entitled under section 163.031, RSMo, to receive state aid at the rate of eleven thousand six hundred forty-six dollars for each approved class of children per term of one hundred seventy-four days as provided by section 163.021, RSMo, except that approved classes for the educable mentally retarded shall be funded at ten thousand five hundred dollars in 1986-87 and thereafter shall be entitled under section 163.031, RSMo, to receive state aid at the same rate as granted for handicapped or severely handicapped children under the provisions of sections 162.670 to 162.995 and approved classes of remedial reading shall be funded at six thousand seven hundred ninety-four dollars per approved class. The rates of entitlement for approved classes in this subsection shall be adjusted annually by the lesser of the percentage change in state average per pupil operating costs or the percentage change in the total of the state's apportionments from the second preceding school year to the preceding school year. The rate of entitlement for this section for fiscal years 1994, 1995 and 1996 shall be the same as fiscal year 1993.

2. For approved classes of handicapped and severely handicapped children under five years of age, but not under the age of three, entitlements for state aid established under this section and distributed pursuant to section 163.031, RSMo, shall not exceed seventy-seven percent of approved cost of the program as specified in the project application.

3. For approved programs for gifted children, districts shall be entitled to receive state aid under section 163.031, RSMo, not to exceed seventy-five percent of the cost of instructional personnel and special materials listed and approved on the project application shall be apportioned.

4. A district shall be entitled to receive, under section 163.031, RSMo, an additional amount of eight thousand dollars for each professional staff member, other than classroom teachers, who is employed to work full time with handicapped or severely handicapped children, ages five through twenty. The rate of entitlement provided by this subsection shall be adjusted annually by the lesser of the percentage change in state average teacher salary or the percentage change in the total of the state's apportionments from the second preceding school year to the preceding school year. The rate of entitlements for this section for fiscal years 1994, 1995 and 1996 shall be the same as for fiscal year 1993.

5. For classes of handicapped children, ages five through twenty, a district shall be entitled to receive under section 163.031, RSMo, the amount of four thousand dollars for each full-time teacher aide when such aide is employed in accordance with standards approved by the state board of education. The rate of entitlement provided by this subsection shall be adjusted annually by the lesser of the percentage change in state average teacher salary or the percentage change in the total of the state's apportionments from the second preceding school year to the preceding school year. The rate of entitlement for this section for fiscal years 1994, 1995 and 1996 shall be the same as for fiscal year 1993.

6. For the purposes of this section, "class" shall mean a group of not less than ten children; except that, fewer than ten children may constitute a class when it is found necessary and advisable by the state board of education.

7. Each school district or special school district maintaining one or more approved summer school programs for handicapped or severely handicapped children shall be entitled to receive state aid under section 163.031, RSMo, for each approved class of children in an amount which bears the same ratio to the amount payable under subsection 1 of this section as the ratio of the number of hours in the approved summer program bears to the number of hours in regular term programs approved under subsection 1 of this section.

8. Funds to which a district is entitled under this section shall be distributed as provided by section 163.031, RSMo.

9. No class under this section may be disapproved by the state because the class may be a part-time class, in which case the state aid will be prorated.]

[162.980. Each school district or special district shall receive up to eight hundred dollars per year for each homebound child, child receiving special services outside the special class, or child served by contractual arrangement with a private or public agency. The rate of reimbursement provided by this section shall be increased by two hundred dollars annually in 1986-87, 1987-88, 1988-89 and 1989-90 and shall thereafter be adjusted annually by the same percent that the appropriation of state funds for the school foundation program is changed from the previous year.]; and

Further amend the title and enacting clause accordingly.

SENATE COMMITTEE AMENDMENT NO. 3

Amend House Bill No. 787, Page 2, Section 160.021, Line 3, by inserting immediately after all of said line the following:

"164.013. 1. When the revenue from the rate of one cent on the dollar of the state sales is collected for distribution under the provisions of section 163.087, RSMo, the school board of each six-director, including special districts, urban and metropolitan school districts, after determining its budget for the school year and the rate of levy needed to produce the required revenue as provided in section 164.011, and after making any other adjustments to the levy that may be required by any other law, shall, unless at least a simple majority of district voters voting thereon have approved a

proposal to forego all or part of a reduction in the total operating levy for school purposes as provided for in this section, reduce the total operating levy for school purposes in an amount sufficient to decrease the revenue it would have received therefrom by an amount equal to fifty percent of the previous fiscal year's sales tax receipts excluding the sales tax revenue estimated to be received by the district attributable to pupils residing on federal lands and excluding the amount of sales tax revenue estimated to be necessary to offset the loss of property tax revenue to the school district under the provisions of section 50.338, RSMo[, except that the provision of this section shall not require a school board to reduce its total operating levy for school purposes below an amount which is equal to]. **A school board may, after making all levy adjustments required by law and the constitution of this state, increase the district's operating levy to the lesser of the district's tax rate ceiling or the highest amount specified in subsection 2 of section 163.021, RSMo, as an eligibility requirement for state aid or increased state aid pursuant to section 163.031, RSMo.** Loss of revenue, due to a decrease in the assessed valuation of real property located within the school district as a result of general reassessment, and from state-assessed railroad and utility distributable property based upon the previous fiscal year's receipts shall be considered in lowering the rate of levy to comply with this section in the year of general reassessment and in each subsequent year. For any district for which the total assessed valuation of the district is reduced as a result of a natural disaster for which the county or counties containing the district were designated a disaster area, the reduction of the total operating levy for school purposes pursuant to this section may, at the district's discretion, be calculated either on the district's current assessed valuation or upon the district's assessed valuation for the year preceding the natural disaster, until the fifth year following the designation as a disaster area or until the district's assessed valuation equals or exceeds the district's assessed valuation for the year preceding the disaster, whichever first occurs. In the event that in the immediately preceding year the school district actually received more or less sales tax revenue than estimated, the school board shall adjust its operating levy for the current year to reflect such increase or decrease. Adjustments in the tax rate of a school district pursuant to the provisions of this section shall in no way affect the eligibility of claimants for benefits, or the amount of claimants' benefits, under the provisions of sections 135.010 to 135.035, RSMo. Such claimants shall, if they are otherwise qualified, receive the benefits to which they were or would have been entitled in the year prior to March 3, 1983. There shall be transferred from the school district trust fund to the general revenue fund an amount equal to the difference in the amount paid or credited or which would have been paid or credited to individuals qualifying under sections 135.010 to 135.035, RSMo, in the year prior to March 3, 1983, and the amount paid or credited under the provisions of such sections each year thereafter. The director of revenue shall certify the amount payable from the school district trust fund to the general revenue fund to the state treasurer, the commissioner of administration and the state board of education on or before the first day of each month. Any school district required to reduce its total operating levy under the provisions of this section shall not become ineligible for state aid under the provisions of section 163.021, RSMo, because of such required reduction. In the event a district fails to reduce its operating levy in compliance with this section, an amount equivalent to the amount by which the district fails to reduce its levy shall be deducted from the district's apportionment of state aid under the provisions of section 163.031, RSMo, for the following year.

2. In a year of general reassessment, as defined by section 137.073, RSMo, or assessment maintenance as defined by section 137.115, RSMo, in which a school district in reliance upon the information then available to it relating to the total assessed valuation of such school district revises its property tax levy pursuant to section 137.073 or 137.115, RSMo, and it is subsequently determined by decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of assessed valuations that the assessed valuation of such school district has been changed, and but for such change the school district would have adopted a different levy on the date of its original action, then the school district may adjust its levy to an amount to reflect such change in assessed valuation, including, if necessary, a change in the levy reduction required by this section to the amount it would have levied had the correct assessed valuation been known to it on the date of its original action, provided:

(1) The school district first levies the maximum levy allowed without a vote of the people by article X, section 11(b) of the constitution; and

(2) The school district first adopts the tax rate ceiling otherwise authorized by other laws of this state; and

(3) The levy adjustment or reduction may include a one-time correction to recoup lost revenues the school district was entitled to receive during the prior year."; and

Further amend the title and enacting clause accordingly.

SENATE COMMITTEE AMENDMENT NO. 4

Amend House bill No. 787, Page 2, Section 160.021, Line 3, by inserting immediately after all of said line the following:

"170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried persons;

(2) Devote more attention to abstinence from sexual activity than to any other behavior;

(3) Emphasize that abstinence from sexual activity is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity;

(4) Direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is recognized as the most effective way to prevent pregnancy and sexually transmitted diseases;

(5) Teach contraception and condom use in terms of real human use failure rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in curriculum content;

(6) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with statistics based on the latest medical information citing failure and success rates of condoms and other contraceptives in preventing acquired immune deficiency syndrome (AIDS), human papilloma virus and other sexually transmitted diseases, if instruction on contraception and condoms is included in curriculum content;

(7) Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity outside of marriage and the consequences of unwanted adolescent pregnancy and emphasize the importance of respect for monogamous marriage;

(8) Advise pupils that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(9) Advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock and that it is unlawful for persons of any age to have sexual relations with underage persons to whom they are not married pursuant to chapter 566, RSMo;

(10) Emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others; and

(11) Teach pupils to not make unwanted physical and verbal sexual advances and how to say no to unwanted sexual advances. Pupils shall be taught that it is wrong to take advantage of, or exploit, another person. The material and instruction shall also encourage youth to resist negative peer pressure.

2. A school district shall not distribute condoms or other contraceptives. Policies concerning referrals and parental notification regarding contraception may be determined by local school boards. Such policies shall be applied in a manner which is consistent with the provisions of section 167.611, RSMo.

3. A school district which provides human sexuality instruction may separate students according to gender for

instructional purposes.

4. The board of a school district shall determine the specific content of the district's instruction in human sexuality, in accordance with subsections 1 to 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age of the students receiving such instruction.

5. A school district shall notify the parent or legal guardian of each student enrolled in the district of:

(1) The basic content of the district's human sexuality instruction to be provided to the student; and

(2) The parent's right to remove the student from any part of the district's human sexuality instruction.

6. A school district shall make all curriculum materials used in the district's human sexuality instruction available for public inspection pursuant to chapter 610, RSMo, prior to the use of such materials in actual instruction."; and

Further amend the title and enacting clause accordingly.

SENATE COMMITTEE AMENDMENT NO. 5

Amend House Bill No. 787, Page 2, Section 160.021, Line 3, by inserting immediately after all of said line the following:

"168.221. 1. The first three years of employment of all teachers [and principals] entering the employment of the metropolitan school district shall be deemed a period of probation during which period all appointments of teachers [and principals] shall expire at the end of each school year. During the probationary period any probationary teacher [or principal] whose work is unsatisfactory shall be furnished by the superintendent of schools with a written statement setting forth the nature of his incompetency. If improvement satisfactory to the superintendent is not made within one semester after the receipt of the statement, the probationary teacher [or principal] shall be dismissed. The semester granted the probationary teacher [or principal] in which to improve shall not in any case be a means of prolonging the probationary period beyond three years and six months from the date on which the teacher [or principal] entered the employ of the board of education. The superintendent of schools on or before the fifteenth day of April in each year shall notify probationary teachers [or principals] who will not be retained by the school district of the termination of their services. Any probationary teacher [or principal] who is not so notified shall be deemed to have been appointed for the next school year.

2. After completion of satisfactory probationary services, appointments of teachers [and principals] shall become permanent, subject to removal for any one or more causes herein described and to the right of the board to terminate the services of all who attain the age of compulsory retirement fixed by the retirement system. In determining the duration of the probationary period of employment in this section specified, the time of service rendered as a substitute teacher or substitute principal shall not be included.

3. No teacher [or principal] whose appointment has become permanent may be removed except for one or more of the following causes: Immorality, inefficiency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or physical or mental condition which incapacitates him for instructing or associating with children, and then only by a vote of not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon the person against whom they are preferred, who shall have the privilege of being present, together with counsel, offering evidence and making defense thereto. Notifications received by an employee during a vacation period shall be considered as received on the first day of the school term following. At the request of any person so charged the hearing shall be public. The action and decision of the board upon the charges shall be final. Pending the hearing of the charges, the person charged may be suspended if the rules of the board so prescribe, but in the event the board does not by a majority vote of all the members remove the teacher [or principal] upon charges presented by the superintendent, the person shall not suffer any loss of salary by reason of the suspension. Inefficiency in line of duty is cause for dismissal only after the teacher or principal has been

notified in writing at least one semester prior to the presentment of charges against him by the superintendent. The notification shall specify the nature of the inefficiency with such particularity as to enable the teacher or principal to be informed of the nature of his inefficiency.

4. No teacher [or principal] whose appointment has become permanent shall be demoted nor shall his salary be reduced unless the same procedure is followed as herein stated for the removal of the teacher [or principal] because of inefficiency in line of duty, and any teacher [or principal] whose salary is reduced or who is demoted may waive the presentment of charges against him by the superintendent and a hearing thereon by the board. The foregoing provision shall apply only to permanent teachers [and principals] prior to the compulsory retirement age under the retirement system. Nothing herein contained shall in any way restrict or limit the power of the board of education to make reductions in the number of teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except that the abolition of particular subjects or courses of instruction shall not cause those teachers who have been teaching the subjects or giving the courses of instruction to be placed on leave of absence as herein provided who are qualified to teach other subjects or courses of instruction, if positions are available for the teachers in the other subjects or courses of instruction.

5. Whenever it is necessary to decrease the number of teachers [or principals, or both,] because of insufficient funds or a substantial decrease of pupil population within the school district, the board of education upon recommendation of the superintendent of schools may cause the necessary number of teachers [or principals, or both,] beginning with those serving probationary periods, to be placed on leave of absence without pay, but only in the inverse order of their appointment. Nothing herein stated shall prevent a readjustment by the board of education of existing salary schedules. No teacher [or principal] placed on a leave of absence shall be precluded from securing other employment during the period of the leave of absence. Each teacher [or principal] placed on leave of absence shall be reinstated in inverse order of his placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous years of service. No new appointments shall be made while there are available teachers [or principals] on leave of absence who are seventy years of age or less and who are adequately qualified to fill the vacancy unless the teachers [or principals] fail to advise the superintendent of schools within thirty days from the date of notification by the superintendent of schools that positions are available to them that they will return to employment and will assume the duties of the position to which appointed not later than the beginning of the school year next following the date of the notice by the superintendent of schools.

6. If any regulation which deals with the promotion of either teachers [or principals, or both,] is amended by increasing the qualifications necessary to be met before a teacher [or principal] is eligible for promotion, the amendment shall fix an effective date which shall allow a reasonable length of time within which teachers [or principals] may become qualified for promotion under the regulations.

7. A principal shall serve in that role at the pleasure of the superintendent of schools. If a principal is removed from that position, he shall retain the tenure rights of a teacher as provided by this section."; and

Further amend the title and enacting clause accordingly.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 232**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HCS** for **HB 635**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HCS** for **HB 509**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Quick moved that **HS** for **HB 811**, with **SS**, **SA 1** and **SSA 2** for **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 2 for **SA 1** was again taken up.

Senator Caskey requested a roll call vote be taken and was joined in his request by Senators Kenney, Kinder, Lybyer and Wiggins.

SSA 2 for **SA 1** failed of adoption by the following vote:

Yeas--Senators

Childers	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Singleton
Yeckel--13			

Nays--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Goode	Howard
Jacob	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Quick	Sims
Staples	Westfall	Wiggins--19	

Absent--Senators

Schneider	Scott--2
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Absent with leave--Senators--None

SA 1 was again taken up.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Substitute for House Bill No. 811, Page 5, Section 3.5, Line 10, by adding after "RSMo," on said line the following: "and shall be a recognized I.R.C. 501(c)(4) organization in good standing".

Senator Klarich moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Substitute for House Bill No. 811, Pages 1-7, Sections 1-4, by striking all of said sections from the said bill; and inserting in lieu thereof the following:

"208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

(1) All recipients of state supplemental payments for the aged, blind and disabled;

(2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;

(3) All recipients of blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to [one hundred eighty-five] **two hundred** percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to [one hundred thirty-three] **two hundred** percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to [one] **two** hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide medicaid coverage under this subdivision, the department of social services may revise the state medicaid plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The following children with family income which does not exceed [two] **three** hundred percent of the federal poverty guideline for the applicable family size:

(a) Infants who have not attained one year of age with family income greater than [one hundred eighty-five] **two hundred** percent of the federal poverty guideline for the applicable family size;

(b) Children who have attained one year of age but have not attained six years of age with family income greater than [one hundred thirty-three] **two hundred** percent of the federal poverty guideline for the applicable family size; and

(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than [one] **two** hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish copayment, coinsurance, deductible, or premium requirements for medical assistance under this subdivision. Eligibility for medical assistance under this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons under this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals under this subdivision in accordance with the requirement of federal law and regulations. Coverage under this subdivision shall be subject to appropriation to provide services approved under the provisions of this subdivision;

(16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;

(17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. section 1396r-1, as amended;

(18) A child born to a woman eligible for and receiving medical assistance under this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits under subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility under this chapter shall be as simple as practicable;

(20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health designees. To the greatest extent possible the department of social services and the department of health shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective medicaid-eligible high-risk mothers and enroll them in the state's medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973, or those supplemental security income recipients who would be determined eligible for general relief benefits under the

eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available under 42 U.S.C. 1396a (a)(10)(c), the department of social services shall submit an amendment to the medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii).

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits under Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 3** is out of order in that the amendment goes beyond the scope, purpose and title of the original bill.

Senator Scott assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem McKenna resumed the Chair.

Senator Quick raised the point of order that **SA 3** is out of order in that the amendment attempts to amend previously amended material.

President Pro Tem McKenna ruled the point of order well taken.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Substitute for House Bill No. 811, Page 3, Section 7, by striking the following: "board of directors" and inserting in lieu thereof the following: "**director**"; and

Further amend said bill, page and section, line 26, by striking the following: "board of directors" and inserting in lieu thereof the following: "**director**"; and

Further amend said bill and section, page 4, lines 21 and 22, by striking the following: "board of directors" and inserting in lieu thereof the following: "**director**"; and on line 25, by striking "board" and inserting "**director**"; and

Further amend said bill, pages 5 to 7, Section 4, by striking all of said section and inserting in lieu thereof the following:

"Section 4. The healthy Missouri children corporation shall operate subject to the supervision and approval of the director who shall be the director of the department of social services. The director shall appoint a salaried administrator to oversee the day to day operations of the corporation."; and

Further amend said bill, page 7, Section 5, line 23 by striking the following: "board has" and inserting in lieu thereof the following: "**director shall have**".

Senator Goode moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Substitute for House Bill No. 811, Page 1, Sections 1 and 2, by striking all of said sections from the said bill; and inserting in lieu thereof the following:

"208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

(1) All recipients of state supplemental payments for the aged, blind and disabled;

(2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;

(3) All recipients of blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability

benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to [one hundred eighty-five] **two hundred** percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to [one hundred thirty-three] **two hundred** percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to [one] **two** hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide medicaid coverage under this subdivision, the department of social services may revise the state medicaid plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The following children with family income which does not exceed [two] **three** hundred percent of the federal poverty guideline for the applicable family size:

(a) Infants who have not attained one year of age with family income greater than [one hundred eighty-five] **two hundred** percent of the federal poverty guideline for the applicable family size;

(b) Children who have attained one year of age but have not attained six years of age with family income greater than [one hundred thirty-three] **two hundred** percent of the federal poverty guideline for the applicable family size; and

(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than [one] **two** hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish copayment, coinsurance, deductible, or premium requirements for medical assistance under this subdivision. Eligibility for medical assistance under this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons under this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals under this subdivision in accordance with the requirement of federal law and regulations. Coverage under this subdivision shall be subject to appropriation to provide services approved under the provisions of this subdivision;

(16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;

(17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. section 1396r-1, as amended;

(18) A child born to a woman eligible for and receiving medical assistance under this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits under subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility under this chapter shall be as simple as practicable;

(20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division

for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health designees. To the greatest extent possible the department of social services and the department of health shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective medicaid-eligible high-risk mothers and enroll them in the state's medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available under 42 U.S.C. 1396a (a)(10)(c), the department of social services shall submit an amendment to the medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii).

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. No rule or portion of a rule promulgated under the authority of this chapter shall become

effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits under Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid."; and

Further amend said bill, Sections 4, 5 and 6, pages 5-8, by striking all of said sections; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Quick requested a roll call vote be taken and was joined in his request by Senators Childers, Goode, Howard and Kenney.

SSA 1 for SA 4 was adopted by the following vote:

Yeas--Senators

Bentley	Childers	Ehlmann	Flotron
Graves	House	Kenney	Kinder
Klarich	Mueller	Rohrbach	Russell
Schneider	Sims	Singleton	Westfall

Yeckel--17

Nays--Senators

Caskey	Clay	Curls	DePasco
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Goode	Howard	Jacob	Johnson
Lybyer	Mathewson	Maxwell	McKenna
Quick	Scott	Staples	Wiggins--16

Absent--Senators--Banks--1

Absent with leave--Senators--None

Senator Johnson resumed the Chair.

Senator Sims offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Substitute for House Bill No. 811, Page 2, Section 3, Line 7, by removing "organize children's groups to".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Quick moved that **SS** for **HS** for **HB 811**, as amended, be adopted, which motion prevailed.

On motion of Senator Quick, **SS** for **HS** for **HB 811**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Goode	Howard
Jacob	Johnson	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Schneider	Scott	Sims	Staples
Wiggins--21			

Nays--Senators

Childers	Flotron	Graves	House
Kenney	Kinder	Mueller	Rohrbach
Russell	Singleton	Westfall	Yeckel--12

Absent--Senators--Bentley--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

HCS for **HB 557**, with **SCS**, entitled:

An Act to repeal sections 30.750, 30.756, 30.758 and 348.015, RSMo 1994, relating to economic development, and to enact in lieu thereof thirteen new sections relating to the same subject.

Was taken up by Senator Maxwell.

SCS for **HCS** for **HB 557**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 557

An Act to repeal sections 30.750, 30.756, 30.758, 30.767, 348.015 and 348.200, RSMo 1994, and section 348.075, RSMo Supp. 1996, relating to economic development, and to enact in lieu thereof twenty-two new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **HCS** for **HB 557** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **HCS** for **HB 557** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Russell	Schneider	Scott	Sims
Singleton	Staples	Wiggins	Yeckel--28

Nays--Senators

Flotron	Kenney	Mueller	Rohrbach--4
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Absent--Senators

Quick	Westfall--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem McKenna referred **HB 151**, with **SCS**; **HB 34**; and **HB 232** to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

HB 578, introduced by Representatives Williams (121) and Tate, entitled:

An Act to repeal section 135.352, RSMo Supp. 1996, relating to tax credits, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Caskey.

Senator Caskey offered **SS** for **HB 578**, entitled:

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 578

An Act to repeal section 135.352, RSMo Supp. 1996, relating to tax credits, and to enact in lieu thereof one new section relating to the same subject.

Senator Caskey moved that **SS** for **HB 578** be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **HB 578** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Lybyer	Mathewson	McKenna
Mueller	Russell	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators--Rohrbach--1

Absent--Senators

Klarich	Maxwell	Quick	Schneider--4
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

At the request of Senator McKenna, **HCS** for **HB 141**, with **SCS**, was placed on the Informal Calendar.

HB 381, introduced by Representatives Koller and Crump, entitled:

An Act to repeal section 301.010, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Staples.

On motion of Senator Staples, **HB 381** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Maxwell Schneider--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Curls moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 361**, with **SCS**, entitled:

An Act to repeal sections 441.020, 441.040, 441.060, 441.130, 441.140, 534.030, 534.090, 534.330, 534.380, 535.020, 535.030, 535.040, 535.060, 535.070, 535.080, 535.090, 535.120, 535.130, 535.140, 535.150, 535.160, 535.170, 569.100 and 569.120, RSMo 1994, relating to certain landlord-tenant actions, and to enact in lieu thereof thirty new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Curls.

SCS for **HS** for **HCS** for **HB 361**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 361

An Act to repeal sections 441.020, 441.040, 441.060, 441.130, 441.140, 534.030, 534.090, 534.330, 534.380, 535.020, 535.030, 535.040, 535.060, 535.070, 535.080, 535.090, 535.140, 535.160 and 535.170, RSMo 1994, relating to certain landlord-tenant actions, and to enact in lieu thereof forty-seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Curls moved that **SCS** for **HS** for **HCS** for **HB 361** be adopted, which motion prevailed.

On motion of Senator Curls, **SCS** for **HS** for **HCS** for **HB 361** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Banks	Flotron	Klarich	Staples--4
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

HCS for HB 214, with **SCS**, entitled:

An Act relating to certain merchandising practices.

Was taken up by Senator Howard.

SCS for HCS for HB 214, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 214

An Act relating to certain merchandising practices.

Was taken up.

Senator Howard moved that **SCS for HCS for HB 214** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS for HCS for HB 214**, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Lybyer	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28

Nays--Senators--None

Absent--Senators

Banks	Curls	Flotron	Klarich
Mathewson	Scott--6		

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator McKenna offered Senate Resolution No. 835, regarding Marie Hisel, Arnold, which was adopted.

Senator Schneider offered Senate Resolution No. 836, regarding Reverend Dr. James Davis, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 837, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph Clifford Stone, St. Ann, which was adopted.

Senator Yeckel offered Senate Resolution No. 838, regarding Dr. Mary Louise Zieger, which was adopted.

Senator Caskey offered Senate Resolution No. 839, regarding Victor F. Kretzschmar, Adrian, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 840

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Reverend Maurice E. Van Ackeren, S.J., Chancellor of Rockhurst College, Kansas City; and

WHEREAS, Father Van Ackeren, a native of Cedar Rapids, Nebraska, attended Creighton University in Omaha, where he was an All American Basketball player in 1930 and 1931, and was scouted as a baseball pitcher by both the Cleveland Indians and Chicago White Sox; and

WHEREAS, Father Van Ackeren, after joining the Society of Jesus on September 1, 1932, attended Saint Louis University and St. Mary's College, St. Marys, Kansas, was ordained a Jesuit Priest June 17, 1943, and was appointed Principal of St. Louis University High School; and

WHEREAS, on March 18, 1951, Father Van Ackeren was named the ninth President of Rockhurst College, serving continuously until 1977 when he became Chancellor, a post he held until his death, a tenure unparalleled in any Jesuit College in the United States; and

WHEREAS, Father Van Ackeren was more than a nationally prominent educator but also a prominent civic leader in Kansas City and Missouri, a member of the Missouri Academy of Squires, was selected as Mr. Kansas City in 1983 by the Chamber of Commerce of Greater Kansas City, was appointed a Knight of the Holy Sepulcher with the rank of Knight Commander with a Star, and was accorded numerous other honors too numerous to mention in one Resolution; and

WHEREAS, Father Van Ackeren was an active member of Alpha Sigma Nu, National Jesuit Honor Society and an Honorary Member of Alpha Delta Gamma, National Social Fraternity; and

WHEREAS, "Father Van", as he was known affectionately by thousands of students whose lives and careers were enriched by his leadership and inspiration will live forever in history as "Mr. Rockhurst", and was an especially close friend of our Colleague, the current Senator from the 10th District, Senator Harry Wiggins, a Rockhurst graduate, who was visited numerous times in the Capitol by Father Van Ackeren in the years since 1974, giving many of us the privilege to meet and know him;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of a great Missourian, educator, and humanitarian, Father Maurice Van Ackeren, express their appreciation for his lifetime of good citizenship and his incalculable contributions to Kansas City, to Missouri, and to America, and express to the Rockhurst Jesuit Community, as well as to Rockhurst students and alumni, most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to Rev. Peter Ely, S.J., President of Rockhurst College, Rev. Tom Savage, S.J., Rockhurst College, Provincial Missouri Province, Society of Jesus, Mrs. Virginia

HOUSE BILLS ON THIRD READING

HS for **HB 850**, with **SCS**, entitled:

An Act to repeal sections 3.040, 536.021, 536.022, 536.023 and 536.031, RSMo 1994, and sections 536.024, 536.025 and 536.050, RSMo Supp. 1996, relating to administrative rules, and to enact in lieu thereof twelve new sections relating to the same subject, with an emergency clause and a conditional effective date for certain sections.

Was taken up by Senator McKenna.

SCS for **HS** for **HB 850**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 850

An Act to repeal sections 536.017, 536.021 and 536.022, RSMo 1994, and sections 536.025 and 536.050, RSMo Supp. 1996, relating to administrative rulemaking, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator McKenna moved that **SCS** for **HS** for **HB 850** be adopted.

Senator McKenna offered **SS** for **SCS** for **HS** for **HB 850**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 850

An Act to repeal sections 536.021, 536.022, 536.023 and 536.041, RSMo 1994, and sections 536.024, 536.025 and 536.050, RSMo Supp. 1996, relating to administrative rulemaking, and to enact in lieu thereof thirteen new sections relating to the same subject, with an emergency clause.

Senator McKenna moved that **SS** for **SCS** for **HS** for **HB 850** be adopted, which motion prevailed.

On motion of Senator McKenna, **SS** for **SCS** for **HS** for **HB 850** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Lybyer
Maxwell	McKenna	Mueller	Quick

Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators--None

Absent--Senators

Banks	Flotron	Klarich	Mathewson
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Scott--5

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Lybyer
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators--None

Absent--Senators

Banks	Flotron	Klarich	Mathewson
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Scott--5

Absent with leave--Senators--None

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Scott, Chairman of the Committee on State Budget Control, Senator McKenna submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 288**, with **SCAs 1, 2, 3** and **4**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following reports:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 630**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 172**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 172, Page 2, Section 130.034, Line 20, by inserting immediately after the word "gift" the following: ", **not to exceed ten thousand dollars**".

HOUSE BILLS ON THIRD READING

HCS for **HB 141**, with **SCS**, entitled:

An Act to repeal sections 407.980, 407.985 and 407.987, RSMo Supp. 1996, relating to convenience store security, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator McKenna.

SCS for **HCS** for **HB 141**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 141

An Act to repeal sections 407.980, 407.985 and 407.987, RSMo Supp. 1996, relating to convenience store security, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator McKenna moved that **SCS** for **HCS** for **HB 141** be adopted.

Senator McKenna offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 141, Page 2, Section 407.985, Line 26, by striking "or" as it second appears and inserting in lieu thereof the word "**and**".

Senator McKenna moved that the above amendment be adopted, which motion failed.

Senator Wiggins resumed the Chair.

Senator McKenna moved that **SCS** for **HCS** for **HB 141** be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS** for **HCS** for **HB 141** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Howard	Sims	Singleton--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Mathewson moved that **SB 128**, with **HA 1**, as amended, **HA 2** and **HA 4**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1, as amended, was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann

Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

McKenna	Schneider	Sims--3
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Absent with leave--Senators--None

HA 2 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion failed by the following vote:

Yeas--Senators

Curls	Scott	Staples--3
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Nays--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Singleton	Westfall	Wiggins
Yeckel--29			

Absent--Senators

Banks	Sims--2
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Absent with leave--Senators--None

HA 4 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Quick Sims--2

Absent with leave--Senators--None

On motion of Senator Mathewson, **SB 128**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kinder
Lybyer	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--Kenney--1

Absent--Senators

Klarich McKenna Sims--3

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Flotron moved that the vote by which **SA 3** to **HCS** for **HBs 87** and **264** was adopted be reconsidered, which motion failed by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Curls
Ehlmann	Flotron	House	Jacob
Johnson	McKenna	Quick	Schneider
Scott	Wiggins	Yeckel--15	

Nays--Senators

Caskey	Childers	Goode	Graves
Howard	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Singleton	Westfall--16

Absent--Senators

DePasco	Sims	Staples--3
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Absent with leave--Senators--None

Senator House raised the point of order that he had sought verification of the roll and that, thereafter, some members were allowed to change their votes.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCS** for **HB 697** and has again taken up and passed **HCS** for **HB 697** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SSA 1** for **SA 2**, and **SA 3** to **HCS** for **HB 620** and has again taken up and passed **HCS** for **HB 620** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 301** and has again taken up and passed **HB 301** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 276**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon and to exceed the differences in Section 2, Paragraph 9.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HBs 69** and **179** and **HCS** for **HB 669**, as amended: Representatives: Hosmer, Reynolds, Stroker, Alter and Crawford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HB 390**, as amended: Representatives: Hoppe, Foley, Hosmer, Edwards-Pavia, Griesheimer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SCS** for **SBs 49, 213, 130, 32, 235** and **221**, entitled:

An Act to repeal sections 70.820, 252.085, 571.020, 571.070, 571.090 and 575.010, RSMo 1994, and sections 43.265, 571.030 and 590.105, RSMo Supp. 1996, relating to crimes and punishment, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions and a referendum clause.

With House Amendments Nos. 1, 2, 3, 4, 6, 8, 9, 12 13, 15 and 16.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 213, 130, 32, 235 and 221, Page 45, Line 4, by inserting after all of said line the following:

"34.140. 1. The commissioner of administration may require an inventory to be made when necessary of all removable equipment owned by the state.

2. The commissioner of administration shall have the power to transfer supplies from any department where they are not needed to any other department where they are needed and to direct that proper charges and credits be made on the inventories of the departments concerned.

3. The commissioner of administration may distribute surplus or unneeded supplies or property to eligible donees, as that term is defined in connection with the federal surplus property program, in the same manner as provided for the distribution of federal surplus property.

4. The commissioner of administration may sell surplus or unneeded supplies or property which are not transferred to state agencies or distributed to eligible donees to the general public by auction, sealed bid.

5. A [member] **uniformed employee** of the Missouri state highway patrol, with the approval of the superintendent, may purchase upon retirement, by reason of length of service or disability or by the member's next of kin in case of death, the service pistol, off-duty sidearm and badge carried by such member immediately prior to retirement. The purchase price for the service pistol, off-duty sidearm and badge shall be equal to the replacement cost thereof."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 213, 130, 32, 235 and 221, Page 1, In the Title, Line 4, by deleting the number "43.265,"; and

Further amend said bill, Page 1, In the Title, Line 7, by deleting the word "eighteen" and inserting in lieu thereof the word "sixteen"; and

Further amend said bill, Page 1, Section A, Line 13, by deleting the number "43.265,"; and

Further amend said bill, Page 1, Section A, Line 14, by deleting the word "eighteen" and inserting in lieu thereof the word "sixteen"; and

Further amend said bill, Page 1, Section A, Line 15, by deleting the number "43.265,"; and

Further amend said bill, Page 1, Section A, Line 18, by deleting "590.105 and 1" and inserting in lieu thereof the following: "and 590.105"; and

Further amend said bill, Pages 1 to 3, Section 43.265, by deleting all of said section; and

Further amend said bill, Pages 43 to 44, Section 1, by deleting all of said section.

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 213, 130, 32, 235 and 221, Page 36, Section 577.068, Lines 1 through 26, by deleting all of said lines and inserting in lieu thereof the following:

"577.068. 1. No person shall knowingly leave the scene where a serious physical injury as defined in section 565.002, RSMo, or death has occurred due to an accident or the negligence of that person, without giving such person's name, address and driver's license number, if applicable, to a law enforcement officer or emergency medical personnel. If no such officer or emergency medical personnel are in the vicinity, the person shall provide such information to the nearest police station or law enforcement officer. A person is not in violation of this section if the person leaves the scene in order to obtain medical assistance or contact law enforcement authorities to notify them of the accident, or the victim requests that no assistance be given.

2. All peace officers and reserve peace officers certified under the provisions of chapter 590, RSMo, shall have authority to investigate serious physical injury as defined in section 565.002, RSMo, or death, which has occurred due to an accident or negligence of a person, and arrest a person who violates subsection 1 of this section, except that authorized agents of the commission as defined in section 252.020, RSMo, may enforce such provisions related to hunting accidents. For the purpose of this section, a hunting accident shall be defined as any accident in which a person is injured as a result of hunting activity that involves the discharge of a hunting weapon and does not occur within a residential area.

3. Leaving the scene where a serious physical injury as defined in section 565.002, RSMo, or death, has occurred due to an accident or negligence of a person, is a class D felony."

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 213, 130, 32, 235 and 221, Page 13, Section 571.030, Line 20, by inserting immediately after the word "judge" on said line the following **"or municipal court judge"**; and

Further amend said section, page 14, line 2, by inserting immediately after the word "attorney" on said line the following **"or any active or former assistant prosecuting attorney or assistant circuit attorney"**.

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 213, 130, 32, 235 and 221, Page 11, Section 571.030, Line 3 of said page, by deleting the words ", **with or without a permit**,"; and

Further amend said bill, Page 11, Section 571.030, Line 4 of said page, by deleting the words "**consuming alcohol or while**"; and

Further amend said bill, Page 12, Section 571.030, Line 9 of said page, by deleting the word "**state.**" and inserting in lieu thereof the following: "**state; or**"

(12) Carries on his or her person a concealable weapon while consuming alcohol or while intoxicated."

HOUSE AMENDMENT NO. 8

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 213, 130, 32, 235 and 221, Pages 37-38, Section 578.450, Lines 13-5, by deleting all of said lines.

HOUSE AMENDMENT NO. 9

Amend House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 44, Section 1, Line 11, by inserting immediately after said line the following:

"Section 2. Any person acting as a bounty hunter must be registered with the county sheriff in which said bounty hunter resides. This section shall not apply to persons which own licensed bail bond agencies and act as bounty hunters. Registration process would include but, is not limited to:

Name

Address

Phone

Employment /Position

Background Check for criminal or civil disorder records

Agency/Agencies employed by

Registration fees to cover cost of process of registration.

Fees cannot exceed \$100.00 annually."

HOUSE AMENDMENT NO. 12

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 213, 130, 32, 235 and 221, Page 18, Section 571.090, Line 19, by deleting the words "social security number" and insert in lieu thereof the following: "**drivers license number**"; and

Further amend said bill, page 25, section 571.091, line 10 by deleting said line and inserting in lieu thereof the following: "**the name, drivers license number, occupation, date of birth**".

HOUSE AMENDMENT NO. 13

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 213, 130, 32, 235 and 221, Page

31, Section 16, Line 11, by inserting after the word "day," "**into the buildings of a health care facility as defined in chapter 197. or 198.,**".

HOUSE AMENDMENT NO. 15

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 213, 130, 32, 235 and 221, Page 13, Section 571.030, Line 4, by deleting lines 4 through 8; and

Further amend said bill, Page 16 Line 4 by adding the following:

"8. Subdivision (1) and (8) of subsection 1 of this section shall not apply to or affect any person vested by Article V Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary, and subdivisions (3), (4), (6), (7) and (9) shall not apply to or affect the above if the person was acting in self defense or the defense of another"; and

Further amend the enacting clause and title accordingly.

HOUSE AMENDMENT NO. 16

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 213, 130, 32, 235 and 221, Page 12, Section 571.030, Line 9, by inserting immediately after said line the following:

"(12) Carries a concealed firearm into a United States Post Office."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and concurred in **SCA 1, SA 2, SA 3** to **HS** for **HCS** for **HB 472** but refused to concur in **SA 1** to **HS** for **HCS** for **HB 472** and requests the Senate to recede from its position thereon and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 259** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon and the conferees by allowed to exceed the differences on JCAR.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SS** for **SCS** for **HB 207**, as amended, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 21**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 21**, as amended: Representatives: Hoppe, Hosmer, Kreider, Edwards-Pavia and Froelker.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 141**, as amended, and grants the Senate a conference thereon.

PRIVILEGED MOTIONS

Senator Quick moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 276**, as amended, and grant the House a conference thereon, and that the conferees be allowed to exceed the differences in Section 2, Paragraph 9, which motion prevailed.

President Pro Tem McKenna resumed the Chair.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 141**, as amended: Senators Quick, McKenna, Johnson, Klarich and Mueller.

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 21**, as amended: Senators Lybyer, Johnson, Clay, Bentley and Childers.

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 276**, as amended: Senators Quick, McKenna, Scott, Childers and Sims.

PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate request the House to recede from its position on **HA 2** to **SB 128**, as amended, and pass **SB 128**, as amended, which motion prevailed.

Senator Schneider moved that the Senate refuse to concur in **HCS** for **SS** for **SB 248**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Rohrbach moved that the Senate refuse to concur in **HCA**s **1, 2** and **3** and **HA**s **1, 2** and **3** to **SB 358** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Flotron moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 259** and grant the House a conference thereon and that the conferees be allowed to exceed the differences solely to insert the new JCAR language, which motion prevailed.

Senator Staples moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 207**, as amended, and grant the House a conference thereon, and that the conferees be allowed to exceed the differences to include the new JCAR language, which motion prevailed.

Senator Russell moved that **SB 67**, with **HCA 1** and **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House

Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Westfall	Wiggins	Yeckel--27	

Nays--Senators--Howard--1

Absent--Senators

Banks	Clay	Curls	Goode
Mathewson	Sims--6		

Absent with leave--Senators--None

Senator Russell moved that the Senate refuse to concur in **HA 1**, as amended, and request the House to recede from its position and take up and pass the bill, which motion prevailed.

On motion of Senator Russell, **SB 67**, as amended by **HCA 1**, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Singleton	Staples	Westfall	Wiggins
Yeckel--29			

Nays--Senators--Flotron--1

Absent--Senators

Banks	Curls	Goode	Sims--4
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 16**, as amended, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 16

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16 as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16 with House Amendment No. 1 and House Amendment No. 2;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 16;

3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jim Mathewson /s/ Gracia Y. Backer

/s/ Betty Sims /s/ Rita D. Days

/s/ Sidney Johnson /s/ Rodger Fitzwater

/s/ Steve Ehlmann /s/ Linda Bartelsmeyer

/s/ Harold Caskey /s/ Beth Long

Senator Mathewson moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples

Westfall	Wiggins	Yeckel--27	
	Nays--Senators		
Clay	Kinder--2		
	Absent--Senators		
Banks	Curls	Goode	Mueller
Sims--5			
	Absent with leave--Senators--None		

On motion of Senator Mathewson, **CCS** for **HS** for **HCS** for **SCS** for **SB 16**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 16

An Act to repeal sections 105.450, 105.461, 105.464, 105.470, 105.472, 105.491, 105.492, 105.498, 105.957, 105.959, 105.961, 105.963, 105.969, 130.016, 130.021, 130.031, 130.032, 130.036, 130.038, 130.051, 130.053, 130.054 and 130.056, RSMo 1994, and sections 105.483, 105.487, 105.955, 130.011, 130.034, 130.037, 130.041, 130.046, 130.052, 130.057, 130.100, 130.130 and 130.140, RSMo Supp. 1996, relating to public officers, and to enact in lieu thereof forty-three new sections relating to campaign, ethics and lobbying reform.

Was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Quick	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Westfall	Wiggins	Yeckel--28
	Nays--Senators--Kinder--1		
	Absent--Senators		
Banks	Curls	Goode	Mueller
Sims--5			

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Klarich moved that the Senate refuse to recede from its position on **SA 1** to **HS** for **HCS** for **HB 472** and grant the House a conference thereon, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 13, 1997

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on May 2, 1997 for your advice and consent.

Sheila F. Lumpe, Democrat, 6908 Amherst, University City, St. Louis County, Missouri 63130, as a member of the Public Service Commission, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Kenneth McClure, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

RESOLUTIONS

Senator Clay offered Senate Resolution No. 841, regarding Mrs. Dollie Franklin-Metts, which was adopted.

COMMUNICATIONS

Senator Caskey submitted the following:

May 13, 1997

Ms. Terry Spieler

Secretary of Senate

Senate Post Office

State Capitol

Jefferson City, MO

Dear Ms. Spieler:

Senators from the City of St. Louis have requested permission to form a "City of St. Louis Caucus".

Rule 102 provides, inter alia, that participation of members, officers and staff in activities authorized in section 105.470.4 (2)(c), RSMo., will not come under the provisions of the Rule.

Section 105.470.4(2)(c), RSMo authorizes the activities of caucuses of the Senate or House, but requires that those caucuses be approved by the Ethics Committee of the respective chamber. This caucus was approved by a 7-1 vote with Senator Marvin Singleton dissenting.

Very truly yours,

/s/ Harold

Harold L. Caskey

Also,

The following was received from the House of Representatives through its Chief Clerk:

May 13, 1997

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please find attached the corrected House Amendment No. 2 to House Substitute for House Committee Substitute for Senate Bill No. 21 as adopted by the House of Representatives on May 12, 1997.

If you have any questions, please feel free to contact me.

Sincerely,

/s/ Anne C. Walker

Chief Clerk

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 21, Page 6, Section 67.1300, Line 20 of said page, by inserting immediately before the words "of the contiguous" the following: "["; and

Further amend said bill, Page 7, Section 67.1300, Line 1 of said bill, by inserting after the word "any" the following: "]"; and

Further amend said bill, Page 7, Section 67.1300, Lines 7 to 11 of said page, by deleting all of said lines; and

Further amend said bill, Page 7, Section 67.1300, Line 12 of said page, by deleting the word "**the**"; and

Further amend said bill, Page 7, Section 67.1300, Line 14 of said page, by deleting the words "**or any county of the**"; and

Further amend said bill, Page 7, Section 67.1300, Lines 15 to 22, by deleting all of said lines; and

Further amend said bill, Page 8, Section 67.1300, Lines 1 to 22 of said page, by deleting all of said lines; and

Further amend said bill, Page 9, Section 67.1300, Lines 1 to 9 of said page, by deleting all of said lines; and

Further amend said bill, Page 9, Section 67.1300, Line 10 of said page, by deleting the words "**than twenty-seven thousand five hundred**" and inserting in lieu thereof the following: "**or any county of the third classification**"; and

Further amend said bill, Page 9, Section 67.1300, Line 14 of said page, by inserting after the word "RSMo" the following: "["; and

Further amend said bill, Page 10, Section 67.1300, Line 7 of said page, by inserting after the word "inhabitants" the following: "]".

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 13, 1997

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 70 entitled:

"AN ACT"

To repeal section 186.055, RSMo Supp. 1996, relating to the humanities trust fund, and to enact one new section relating to the same subject, with an emergency clause.

On May 13, 1997, I approved said Senate Bill No. 70.

Respectfully submitted,

MEL CARNAHAN

INTRODUCTIONS OF GUESTS

On behalf of Senator McKenna, the President introduced to the Senate, Skip and Becky Johnson, Imperial.

Senator Sims introduced to the Senate, thirteen eighth grade students from St. Mary's Elementary School, Bridgeton; and Timothy LaVallee, Distin Lippman, Zac O'Neill, Mark Perry and Bryan Reading were made honorary pages.

Senator Sims introduced to the Senate, forty fourth and sixth grade students from Wilson School, Clayton.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Wednesday, May 14, 1997.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTIETH DAY--WEDNESDAY, MAY 14, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we are thankful that You made all of us different, for the privilege of making our own decisions and pursuing our own dreams. With all of our differences, we pray that You will bring us together to protect the rights of everyone to be different. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 842, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leon Hart, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 843, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gerald Luke, Conception Junction, which was adopted.

Senator Graves offered Senate Resolution No. 844, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Switzer, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 845, regarding Doris Jean Campbell, Stewartsville, which was adopted.

Senator Graves offered Senate Resolution No. 846, regarding Jennifer Mezger, Bridgeway, which was adopted.

Senator Graves offered Senate Resolution No. 847, regarding Christopher Cody Rowlett, Maitland, which was adopted.

Senator Graves offered Senate Resolution No. 848, regarding Shanna Marshall, which was adopted.

Senator Graves offered Senate Resolution No. 849, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Forest Alldredge, Stanberry, which was adopted.

Senator Graves offered Senate Resolution No. 850, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Russell Gillip, King City, which was adopted.

Senator Graves offered Senate Resolution No. 851, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eldon Davis, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 852, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Fred Nail, Martinsville, which was adopted.

Senator Graves offered Senate Resolution No. 853, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Max Littrell, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 854, regarding Dr. Dean L. Hubbard, which was adopted.

Senator Graves offered Senate Resolution No. 855, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Patrick Hanley Wilson, Green City, which was adopted.

Senator Staples offered Senate Resolution No. 856, regarding the Ark-Mo I-30 Corridor Coalition, which was adopted.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **HB 472**, with **SA 1**: Senators Scott, Mathewson, Clay, Klarich and Flotron.

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 207**, as amended: Senators Staples, Lybyer, McKenna, Westfall and Flotron.

Senator Wiggins assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Lybyer moved that **HB 487** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Lybyer moved that **HB 487** be read the 3rd time and finally passed.

Senator Ehlmann offered a substitute motion that **HB 487** be returned to committee for the purpose of adding amendments.

At the request of Senator Ehlmann, the substitute motion was withdrawn.

At the request of Senator Lybyer, the motion for 3rd reading and final passage was withdrawn, placing the bill back on the Consent Calendar.

HCS for HB 288, with SCAs 1, 2, 3 and 4, entitled:

An Act to repeal sections 640.102, 640.115, 640.120, 640.125, 640.130, 644.101, 644.116 and 644.122, RSMo 1994, and section 640.100, RSMo Supp. 1996, relating to public drinking water, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Goode.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted.

Senator Flotron offered **SA 1** to **SCA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Amendment No. 1 to House Committee Substitute for House Bill No. 288, Page 1, Section 640.100, Line 9, by adding after the "." the following: "Any such state certification shall satisfy any need for local certification."

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

SCA 1, as amended, was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Goode moved that the above amendment be adopted.

Senator Ehlmann offered **SSA 1** for **SCA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE COMMITTEE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 288, Page 10, Section 640.137, Line 17, by inserting immediately after all of said line the following:

"644.037. Where applicable, under section 404 of the federal Clean Water Act and where the U.S. Army Corps of Engineers has determined that a nationwide permit may be utilized, the department shall certify without conditions said nationwide permit as it applies to impacts on wetlands in this state."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above substitute amendment be adopted, which motion prevailed.

Senator Staples assumed the Chair.

Senator Johnson announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

SCA 3 was taken up.

Senator Goode moved that the above amendment be adopted.

Senator Maxwell offered SSA 1 for SCA 3:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE COMMITTEE AMENDMENT NO. 3

Amend House Committee Substitute for House Bill No. 288, Page 4, Section 640.107, Lines 1 to 3, by striking all of said lines and inserting in lieu thereof the following:

"640.107. 1. There is hereby established, as a subfund of the water and wastewater fund established in section 644.122, RSMo, the "Drinking Water Revolving Fund", which shall be maintained and accounted for separately, and which shall consist of moneys from all lawful public and private sources including legislative appropriations, federal capitalization grants, interest on investments and principal and interest payments with respect to loans made from the drinking water revolving fund. Money in the drinking water revolving fund may be used only for purposes as are authorized in the Federal Safe Drinking Water Act, as amended from time to time.

2. The commission shall, consistent with the requirements of the federal Safe Drinking Water Act for the drinking water revolving fund to become eligible for capitalization grants from the U.S. Environmental Protection Agency, establish criteria and procedures for the selection of projects and the making of loans or the grant of loan subsidies for disadvantaged communities.

3. After providing for review and public comment, and in accordance with the requirements for such plans set forth in the federal Safe Drinking Water Act, the commission shall annually prepare an intended use plan for the funds available in the drinking water revolving fund.

4. Consistent with the requirements of the federal Safe Drinking Water Act, and only to the extent funds are able to be obligated for eligible projects of public water systems, in developing its annual intended use plan, the commission shall make available no less than thirty-five percent, but may make available greater than thirty-five percent, of the moneys credited to the drinking water revolving fund solely for project loans and loan subsidies for projects of systems serving fewer than ten thousand people in accordance with the following:

Systems Serving	Percentage
0 - 3300 people	20%
3301 - 9,999 people	15%

provided that, in any fiscal year, loan subsidies may not exceed the maximum percentage as specified in the federal Safe Drinking Water Act. In any fiscal year in which there are insufficient applicants and projects in the population categories listed above to allocate the percentages of funds specified pursuant to this subsection, any balance of funds otherwise reserved for systems serving fewer than ten thousand people shall be available for obligation to eligible projects from any eligible applicant. Such uncommitted balances shall be redistributed in accordance with the intended use plan."

Senator Maxwell moved that the above substitute amendment be adopted, which motion prevailed.

SCA 4 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 288, Page 4, Section 640.102, Line 19, by striking the word "piped".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 288, Page 11, Section 644.122, Line 38, by inserting after all of said line the following:

"Section 1. Beginning January 1, 1997, notwithstanding any other provision of law to the contrary, a privately owned water company serving customers in a city with a population of at least fifteen thousand but not more than seventeen thousand inhabitants where such city is located in a county of the fourth classification shall not increase the rates charged to customers in such city or in any other political subdivision in which the water company serves customers for the purpose of acquisition, design, improvement, construction or operation of a facility if such facility does not benefit the customers in such city or political subdivision. Notwithstanding the provisions of this section, if a governing body of a city or political subdivision not benefiting from such acquisition, design, improvement, construction or operation approves a rate increase for such purpose, the rates charged in such city or political subdivision may be increased only for the customers residing in such city or political subdivision. The provisions of this section shall not apply to construction projects commenced before January 1, 1997."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Bill No. 288, Page 11, Section 644.122, Line 38, by inserting immediately after all of said line the following:

"Section 1. Any rule or portion of a rule promulgated pursuant to this act shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section and section 536.028, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void."; and

Further amend said bill, page 11, section 644.122, line 38, by inserting immediately after all of said line the following:

"Section 2. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of

the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to the effective date of this act."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend House Committee Substitute for House Bill No. 288, Page 1, In the Title, Line 4, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the number "640.137," the number "644.042,"; and

Further amend said bill, Page 10, Section 640.137, Line 17, by inserting after all of said line the following:

"644.042. 1. The clean water commission of the state of Missouri, created in section 644.021, may adopt by rule a rebuttable presumption that any stream segment located within one mile upstream of a stream segment that has been determined by the commission to be a losing stream, as defined by the commission by rule, is also a losing stream until determined otherwise by the commission based upon the evidence.

2. Except for the presumption authorized by subsection 1 of this section, the commission shall not adopt any presumption that any other stream segments are losing streams, and shall make any such determinations based on data applicable to such stream segments."

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend House Committee Substitute for House Bill No. 288, Page 6, Section 640.120, Line 19, by inserting the following:

"Any person subject to section 256.468 who is registered as a professional geologist in another state and has practiced no less than five years in the state of Missouri other requirements notwithstanding may be certified as a registered geologist in the state of Missouri subject to approval of the board of geologist registration."

Senator Childers moved that the above amendment be adopted.

Senator Goode offered SA 1 to SA 5, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to House Committee Substitute for House Bill No. 288, Page 1, Section 640.120, Line 4, by inserting after the word "state" the following: **"whose requirements are substantially the same as those of this state"**.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Childers moved that SA 5, as amended, be adopted, which motion prevailed.

Senator Ehlmann offered SA 6:

SENATE AMENDMENT NO. 6

Amend House Committee Substitute for House Bill No. 288, Page 10, Section 640.137, Line 17, by inserting after all of said line the following:

"644.018. In any contested case involving surface water in any flood prone area, if any defendant has obtained a permit from a political subdivision which has enacted orders or ordinances as required by the Federal Emergency Management Agency as a prerequisite to participation in the National Flood Insurance Program, and which political subdivision has jurisdiction over the area in dispute, then the proper permitting of said project shall be conclusive proof that the project is a reasonable use and meets any reasonable use test imposed by law or by a court."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered SA 7:

SENATE AMENDMENT NO. 7

Amend House Committee Substitute for House Bill No. 288, Page 10, Section 640.137, Line 17, by inserting immediately after all of said line the following:

"644.036. 1. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held after thirty days' prior notice by advertisement of the date, time and place of the hearing and opportunity given to the public to be heard. Notice of the hearings and copies of the proposed standard, rule or regulation or any amendment or repeal thereof shall also be given by regular mail, at least thirty days prior to the scheduled date of the hearing, to any person who has registered with the executive secretary for the purpose of receiving notice of such public hearings in accordance with the procedures prescribed by the commission at least forty-five days prior to the scheduled date of the hearing. However, this provision shall not preclude necessary changes during this thirty-day period.

2. At the hearing, opportunity to be heard by the commission with respect to the subject thereof shall be afforded any interested person upon written request to the commission, addressed to the executive secretary, not later than seven days prior to the hearing, and may be afforded to other persons if convenient. In addition, any interested persons, whether or not heard, may submit, within seven days subsequent to the hearings, a written statement of their views. The commission may solicit the views, in writing, of persons who may be affected by, or interested in, proposed rules and

regulations, or standards. Any person heard or represented at the hearing or making written request for notice shall be given written notice of the action of the commission with respect to the subject thereof.

3. Any standard, rule or regulation or amendment or repeal thereof shall not be deemed adopted or in force and effect until it has been approved in writing by at least four members of the commission. A standard, rule or regulation or an amendment or repeal thereof shall not become effective until a certified copy thereof has been filed with the secretary of state as provided in chapter 536, RSMo.

4. Unless prohibited by any federal water pollution control act, any standard, rule or regulation or any amendment or repeal thereof which is adopted by the commission may differ in its terms and provisions as between particular types and conditions of water quality standards or of water contaminants, as between particular classes of water contaminant sources, and as between particular waters of the state.

5. Except as otherwise provided pursuant to subsection 6 of this section, all rules promulgated by the Missouri clean water commission shall be no stricter than those required pursuant to federal law.

6. The commission may adopt federal rules by reference following the procedures and requirements of section 644.036, RSMo. Where federal rules are adopted by reference, failure to include certain rules shall not, in itself, mean that those rules are not applicable in this state and shall not be interpreted to mean that the state intends to be more restrictive than federal requirements. In cases where there are no federal standards or guidelines for such regulation, where no other provision of law exists, or where such federal laws, standards, or guidelines are not sufficient to protect public health, welfare, or the environment, the commission may regulate such activities based upon substantial evidence on the record after public hearing and finding by the commission that the subject of such regulation constitutes a significant adverse impact to public health, welfare, or the environment. The commission shall establish procedures for the exercise of its authority under this section for determining whether a significant adverse impact to public health, welfare, or the environment exists through formal rulemaking. Such criteria and rulemaking shall be based upon reasonably available scientific data and shall, at a minimum, include consideration of health, welfare, economics, pollution prevention and the effectiveness and cost of available control methods."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

President Pro Tem McKenna resumed the Chair.

Senator Singleton offered SA 8:

SENATE AMENDMENT NO. 8

Amend House Committee Substitute for House Bill No. 288, Page 11, Section 644.137, Line 38, by inserting after all of said line the following:

"Section 1. 1. There is hereby established in each public water supply district in this state a "Board of Rate, Charge and Service Complaint Review", hereafter referred to as the "board". The board shall consist of three members, which shall include the president of the board of directors of the district, the presiding commissioner of the county in which the district is located or the county which contains the largest number of inhabitants of the public water supply district as measured by the most recent decennial census if the district is located in more than one county and a public member selected as provided in subsection 2 of this section.

2. The initial public member shall be appointed by the circuit court in which the district was established pursuant to section 247.040, RSMo, and shall serve until the immediately following first Tuesday after the first Monday in June. On the expiration of the term of the public member, a public member shall be elected to serve a term of three years, and such election shall be held as otherwise provided by law for election of members of the board of directors of a public water supply district, and such elections may be held in April pursuant to section

247.180, RSMo. The initial public member may be elected to serve as the public member, and a public member may be elected to serve any number of terms. A public member shall be a voter of the district and shall have resided in the district for one whole year immediately prior to his election. A public member shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of his election. A public member shall not be a member of the board of directors of the district nor an employee of the district nor related to a member of the board of directors of the district or an employee of the district to within the first degree of consanguinity or affinity.

3. Two members of the board shall constitute a quorum, but no finding, determination, recommendation or other action may be taken by the board except upon the affirmative vote of at least two members of the board.

4. The board shall hear all complaints brought before it regarding services provided by the public water supply district or regarding the reasonableness of the rates or charges fixed by the district. A hearing shall be held within thirty days of receipt of a written complaint, unless the board determines, for good cause shown, that a hearing can not be held within thirty days, in which case the hearing shall be held no later than sixty days following receipt of the complaint. In determining the reasonableness of the rates or charges, the board shall strive to ensure that the district does not collect for any service or product rendered a greater or less compensation than it collects from any other person for providing a like and contemporaneous service under the same or substantially the same circumstances and conditions and the board shall strive to ensure that no rate or charge places an unreasonable burden upon a customer or class of customer of a particular product or service in relation to the rates of the district. In any hearing on a complaint, the burden shall be on the district to show, by clear and convincing evidence, that the rate or charge is reasonably necessary to promote the public interest and the purposes and policies of the district.

5. Within thirty days following the hearing on a complaint as to the reasonableness of a rate or charge, the board shall make a determination as to whether the rate or charge is just and reasonable. Upon a determination that the charge is unreasonable, the board shall so inform the board of directors of the district along with its recommendations, if any, for a reasonable rate of charge for such product or service. The board of directors may, within a reasonable time established in its rule and regulations but no later than ninety days, revise any rate or charge determined by the board to be unreasonable to a reasonable rate and may adopt the rate recommended by the board.

6. Within thirty days following the hearing on a complaint regarding the adequacy of any service or product provided by the district, the board shall determine if the service provided meets the requirements of applicable laws and the rules of the district and is adequate to promote the policies and purposes of the district. Upon a determination that the service is inadequate, the board shall so inform the board of directors of the district along with its recommendation for remediation, including a recommended time table for such remediation. The board of directors shall make reasonable remediation within a reasonable time of any service determined by the board to be inadequate.

7. No penalties may be assessed nor any lien imposed on the basis of a delinquent charge pursuant to section 247.110, RSMo, if the charge is determined by the board to be unreasonable."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Singleton offered SA 1 to SA 8, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to House Committee Substitute for House Bill No. 288, Page 1, Section 1, Line 4, by adding following the word "board" the following: **"if a majority of the voting members of the district approve at**

a regularly scheduled election date."

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton moved that **SA 8**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **HCS** for **HB 288**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins

Yeckel--29

Nays--Senators--Howard--1

Absent--Senators

Clay	Jacob	Mueller	Staples--4
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 214** and has again taken up and passed **SCS** for **HCS** for **HB 214**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **HB 472**, as amended:
Representatives: Luetkenhaus, May (108), Gratz, Secrest, Pryor.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 276**, as amended: Representatives: Davis (122), Skaggs, Harlan, Linton and Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 141** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon and the conferees be allowed to exceed the differences in Sections 407.980 and 407.985.

MISCELLANEOUS

Senator Wiggins requested unanimous consent of the Senate to correct the committee report on **HB 34**, by including **SCA 1**, which request was granted.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 34, Page 1, Section 1, Line 1, by inserting immediately before said line the following:

"135.550. 1. As used in this section, the following terms shall mean:

(1) "Maternity home", a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;

(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo;

(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable year is at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a

facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars.

7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

135.600. 1. As used in this section, the following terms shall mean:

(1) "Shelter for victims of domestic violence", a facility located in this state which meets the definition of a shelter for victims of domestic violence under section 455.200, RSMo, and which meets the requirements of section 455.220, RSMo;

(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo;

(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence in such taxpayer's taxable year is at least one hundred dollars.

5. The director of public safety shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence. The director of public safety may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of public safety shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in subsection 1 of this section.

6. The director of public safety shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence, and by which such taxpayer can then contribute to such shelter for victims of domestic violence and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one fiscal year shall not exceed two million dollars.

7. The director of public safety shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of public safety, the cumulative amount of tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the director of public safety, of its apportioned tax credits during this predetermined period of time, the director of public safety may reapportion these unused tax credits to those shelters for victims of domestic violence that have used all, or some percentage to be determined by the director of public safety, of their apportioned tax credits during this predetermined period of time. The director of public safety may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of public safety shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year."; and

Further amend the title and enacting clause accordingly.

PRIVILEGED MOTIONS

Senator Kinder moved that the Senate refuse to concur in **HS** for **SCS** for **SBs 49, 213, 130, 32, 235 and 221**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Caskey offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 27

WHEREAS, Article III, section 25 of the Missouri Constitution provides that no appropriation bill shall be taken up for consideration after 6:00 p.m. on the first Friday following the first Monday in May of each year; and

WHEREAS, the eighty-ninth General Assembly failed to Truly Agree To HB 10, the appropriation bill for the Departments of Health and Mental Health and HB 12, the appropriation bill for the General Assembly, statewide elected officials and judges, by the constitutionally established deadline, 6:00 p.m. on Friday, May 9, 1997, for approval of a state operating budget for fiscal year 1998; and

WHEREAS, the eighty-ninth General Assembly has therefore failed to complete its most important function, the function of approval of an operating budget, during the first regular session; and

WHEREAS, on May 12, 1997, Governor Mel Carnahan announced that he will call the General Assembly into Special Session, beginning at 6:30 p.m. on Friday, May 16, 1997; for the purpose of completing passage of a state operating budget for fiscal year 1998; and

WHEREAS, additional state costs will be incurred in the conduct of this Special Session; and

WHEREAS, the members of the General Assembly, who are responsible for these extra costs because of their failure to adopt an operating

budget within the constitutionally allowed time, would otherwise be authorized to receive per diem reimbursement for each day of the Special Session; and

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the eighty-ninth General Assembly, First Regular Session, the House of Representatives concurring therein, that the members of the General Assembly agree not to accept per diem reimbursement for each day of a Special Session called for the purpose of completing passage of a state operating budget; and

BE IT FURTHER RESOLVED that a properly inscribed copy of this resolution be presented to the Governor.

President Wilson assumed the Chair.

President Pro Tem McKenna resumed the Chair.

PRIVILEGED MOTIONS

Senator Schneider moved that the Senate refuse to concur in **HS** for **SS** for **SB 97**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 259**: Senators Mathewson, Goode, Clay, Flotron and Rohrbach.

On motion of Senator Quick, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 141**, as amended: Representatives: Treadway, Stoll, Barry, Nordwald, Holand.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 259**: Representatives: Liese, Bauer, VanZandt, Elliott and Donovan.

HOUSE BILLS ON THIRD READING

HB 32, with **SCS**, introduced by Representative Bland, entitled:

An Act relating to certain health care providers.

Was called from the Informal Calendar and taken up by Senator Banks.

SCS for **HB 32**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 32

An Act relating to certain health care providers.

Was taken up.

Senator Banks moved that **SCS** for **HB 32** be adopted.

Senator Banks offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 32, Page 3, Section 4, Line 8, by inserting after all of said line the following: "**The department of health shall receive any application submitted and certify, if qualified; except that the department shall only issue the first one thousand certificates for application to health maintenance organizations.**".

Senator Banks moved that the above amendment be adopted.

At the request of Senator Banks, **SA 1** was withdrawn.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 32, Page 1, In the Title, Line 2, by striking all of said line and inserting in lieu thereof the following:

"To repeal section 191.227, RSMo 1994, relating to certain health care providers, and to enact in lieu thereof seven new sections relating to the same subject."; and

Further amend said bill, Page 1, Section 1, Line 1, by inserting immediately before all of said line the following:

"Section A. Section 191.227, RSMo 1994, is repealed and seven new sections enacted in lieu thereof, to be known as sections 191.227, 1, 2, 3, 4, 5 and 6, to read as follows:

191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. [Beginning August 28, 1994,] Such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a handling fee of [fifteen] **twenty-five** dollars plus a fee of thirty-five cents per page for copies of documents made on a standard photocopy machine.

2. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 32, Page 4, Section 6, Line 4, by inserting after all of said line the following:

"Section 7. No physician shall perform an abortion unless the physician first obtains a medical malpractice insurance policy covering personal injury or death to the physician's abortion patients arising out of the rendering of or the failure to render health care services by the physician while performing abortions. The insurance policy shall be sufficient to satisfy a damage award of five hundred thousand dollars."

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 32, Page 4, Section 6, Line 4, by inserting immediately after said line the following:

"Section B. Sections 376.1399 and 536.028 from senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly and section 14 from senate amendment no. 26 to senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly are repealed.

[376.1399. 1. The director may, after notice and hearing, promulgated reasonable rules to carry out the provisions of sections 376.1350 to 376.1390. The director shall have the authority to promulgate rules to accomplish the following purposes:

(1) To regulate the internal affairs of the department of insurance;

(2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and

(3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 376.1350 to 376.1390.

2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 376.1350 to 376.1390 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 376.1350 to 376.1390 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.]

[536.028. 1. The delegation of authority to any state agency to propose to the general assembly rules as provided under this section is contingent upon the agency complying with the provisions of this section and this delegation of legislative power to the agency to propose an order of rulemaking containing a rule or portion thereof that has the effect of substantive law, other than a rule relating to the agency's organization and internal management, is contingent and dependent upon the power of the general assembly to review such proposed order of rulemaking, to delay the effective date of such proposed order of rulemaking until the expiration of at least thirty legislative days of a regular session after such order is filed with the general assembly and the secretary of state, and to disapprove and annul any rule or portion thereof contained in such order of rulemaking.

2. No rule or portion of a rule that has the effect of substantive law shall become effective until the order of rulemaking, in which such rule or portion thereof is contained, has been reviewed by the general assembly in accordance with the procedures provided herein and the agency's authority to propose an order of rulemaking is dependent upon the power of the general assembly to disapprove and annul any such proposed rule or portion thereof as provided herein.

3. In order for the general assembly to have an effective opportunity to be advised of rules proposed by any state agency under the authority of this section, an agency may propose a rule by complying with the procedures provided in section 536.021, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy thereof to the joint committee on administrative rules which may hold hearings upon any proposed rule or portion thereof at any time. The agency shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information within the control of the agency as may be requested.

4. In order to propose an order of rulemaking to the general assembly, the agency shall comply with the provisions of section 536.021, except that the agency may file a proposed order of rulemaking with the secretary of state only by first filing such proposed order with the general assembly by providing a copy thereof to the secretary of the senate and the clerk of the house of representatives. The president pro tem of the senate shall direct that a copy of the proposed order of rulemaking be delivered to the joint committee on administrative rules which may hold hearings thereon. The agency shall cooperate with the committee by providing any witnesses, documents or information within the control of the agency as may be requested.

5. Such proposed order of rulemaking shall not become effective prior to the expiration of thirty legislative days of a regular session after such order is filed with the secretary of state and the general assembly.

6. The committee may, by majority vote of its members, recommend that the general assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and, upon a finding that such rule or portion thereof should be disapproved and annulled upon the following grounds:

(1) Such rule is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity; and

(2) Such rule or portion thereof is not in the public interest or is not authorized by the general assembly for one or more of the following grounds:

(a) An absence of statutory authority for the proposed rule;

(b) The proposed rule is in conflict with state law;

(c) Such proposed rule is likely to substantially endanger the public health, safety or welfare;

(d) The rule exceeds the purpose, or is more restrictive than is necessary to carry out the purpose, of the statute granting rulemaking authority;

(e) A substantial change in circumstance has occurred since enactment of the law upon which the proposed rule is based as to result in a conflict between the purpose of the law and the proposed rule, or as to create a substantial danger to public health and welfare;

(f) The proposed rule is so arbitrary and capricious as to create such substantial inequity as to be unreasonably burdensome on persons affected.

7. Any recommendation or report issued by the committee pursuant to subsection 6 of this section shall be admissible as evidence in any judicial proceeding and entitled to judicial notice without further proof.

8. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and annul any rule or portion thereof upon one or more of the grounds stated

in subsection 6 of this section.

9. Any rule or portion thereof not disapproved within thirty legislative days of a regular session pursuant to subsection 8 of this section shall be deemed approved by the general assembly and the secretary of state may publish such order of rulemaking as soon as practicable upon the expiration of thirty legislative days of a regular session after the order of rulemaking was filed with the secretary of state and the general assembly.

10. Upon adoption of such concurrent resolution as provided in subsection 8 of this section, the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor, or vetoed and subsequently acted upon by the general assembly pursuant to article III, section 32 of the Missouri Constitution. If such concurrent resolution is adopted and signed by the governor or reconsidered pursuant to article III, section 32, the secretary of state shall publish in the Missouri Register, as soon as practicable, the order of rulemaking along with notice of the proposed rules or portions thereof which are disapproved and annulled by the general assembly.

11. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable and the delegation of legislative authority to an agency to propose orders of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly to review, to delay the effective date or to disapprove and annul a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking pursuant thereto shall be invalid and void.

12. Nothing in this section shall prevent the general assembly from adopting by bill within thirty legislative days of a regular session the rules or portions thereof, or as the same may be amended, as contained in a proposed order of rulemaking. In that event, the proposed order of rulemaking shall have been superseded and any rule proposed therein shall be void and only such rules adopted by the general assembly and submitted to the governor may become effective. Rules so adopted shall be published by the secretary of state as soon as practicable. In that event, the secretary of state shall not publish the proposed order of rulemaking and such proposed order of rulemaking shall be invalid and void.

13. Upon adoption of any rule now in effect or hereafter promulgated, any such rule or portion thereof may be revoked by the general assembly either by bill, or by concurrent resolution pursuant to article IV, section 8 of the constitution on recommendation of the committee on administrative rules upon the grounds listed in subsection 6 of this section. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the revocation.]

[Section 14. 1. The director may, after notice and hearing, promulgate reasonable rules to carry out the provisions of sections 1 to 11. The director shall have the authority to promulgate rules to accomplish the following purposes:

- (1) To regulate the internal affairs of the department of insurance;
- (2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and
- (3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 1 to 11.

2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 1 to 11 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 1 to 11 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.]; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted.

At the request of Senator Banks, **HB 32**, with **SA 4** (pending), was placed on the Informal Calendar.

HCS for **HJR**s **13** and **6**, with **SCA 1**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39(a) of article III of the Constitution of Missouri, relating to bingo and adopting one new section in lieu thereof relating to the same subject.

Was taken up by Senator McKenna.

SCA 1 was taken up.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator McKenna moved that **HCS** for **HJR**s **13** and **6**, as amended, be read the 3rd time and finally passed, which motion failed to receive a necessary majority by the following vote:

Yeas--Senators

Banks	Curls	DePasco	Howard
Jacob	Johnson	McKenna	Quick
Scott	Staples	Wiggins--11	

Nays--Senators

Bentley	Caskey	Childers	Ehlmann
Flotron	Goode	Graves	House
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Schneider	Sims	Singleton
Westfall	Yeckel--22		

Absent--Senators--Clay--1

Absent with leave--Senators--None

HB 766 was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 165**, entitled:

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 64.950, 70.385, 70.390, 99.805, 99.810, 99.835, 99.845, 99.865, 135.208, 143.183, 143.805, 178.896, 238.202, 238.207, 238.210, 238.212, 238.215, 238.220, 238.227, 238.230, 238.232, 238.235, 238.237, 238.240, 253.401, 290.502, 305.230, 327.031, 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760, 393.770, 620.1072 and 620.1078, RSMo 1994, and sections 67.1300, 135.100, 135.200, 135.225, 135.230, 135.247, 135.352, 135.400, 135.403, 135.405, 135.460, 135.503, 143.451, 178.895, 447.710 and 620.1039, RSMo Supp. 1996, relating to the department of economic development and economic development incentive programs, and to enact in lieu thereof one hundred seventeen new sections relating to the same subject, with an effective date and a termination date for certain sections.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, House Amendment No. 1 to House Amendment No. 23, House Amendment No. 23, as amended, House Amendment No. 24, House Amendment No. 1 to House Amendment No. 25, House Amendment No. 2 to House Amendment No. 25, House Amendment No. 25, as amended, House Amendments Nos. 26, 28, House Substitute Amendment No. 1 for House Amendment No. 30, House Amendments Nos. 31, 32 and 34.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In The Title, Line 8, by inserting immediately after the figure "135.460," the figure "135.500,"; and

Further amend said bill, Page 1, In The Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 7, by inserting immediately after the figure "135.460," the figure "135.500,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 11, by inserting immediately after the figure "135.460," the figure "135.500,"; and

Further amend said bill, Page 46, Section 135.460, Line 72, by inserting immediately after said line the following:

"135.500. 1. Sections 135.500 to 135.529 shall be known and may be cited as the "Missouri Certified Capital Company Law".

2. As used in sections 135.500 to 135.529, the following terms mean:

(1) "Affiliate of a certified company":

(a) Any person, directly or indirectly owning, controlling or holding power to vote ten percent or more of the outstanding voting securities or other ownership interests of the Missouri certified capital company;

(b) Any person ten percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled or held with power to vote by the Missouri certified capital company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri certified capital company;

(d) A partnership in which the Missouri certified capital company is a general partner;

(e) Any person who is an officer, director or agent of the Missouri certified capital company or an immediate family member of such officer, director or agent;

(2) "Applicable percentage", one hundred percent;

(3) "Capital in a qualified Missouri business", any debt, equity or hybrid security, of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants which are acquired by a Missouri certified capital company as a result of a transfer of cash to a business. Capital in a qualified Missouri business shall not include secured debt instruments;

(4) "Certified capital", an investment of cash by an investor in a Missouri certified capital company;

(5) "Certified capital company", any partnership, corporation, trust or limited liability company, whether organized on a profit or not for profit basis, that is located, headquartered and registered to conduct business in Missouri that has as its primary business activity, the investment of cash in qualified Missouri businesses, and which is certified by the department as meeting the criteria of sections 135.500 to 135.529;

(6) "Department", the Missouri department of economic development;

(7) "Director", the director of the department of economic development or a person acting under the supervision of the director;

(8) "Investor", any insurance company that contributes cash;

(9) "Liquidating distribution", payments to investors or to the certified capital company from earnings;

(10) "Person", any natural person or entity, including a corporation, general or limited partnership, trust or limited liability company;

(11) "Qualified distribution", any distribution or payment to equity holders of a certified capital company in connection with the following:

(a) Reasonable costs and expenses of forming, syndicating, managing and operating the certified capital company;

(b) Management fees for managing and operating the certified capital company; and

(c) Any increase in federal or state taxes, penalties and interest, including those related to state and federal income taxes, of equity owners of a certified capital company which related to the ownership, management or operation of a certified capital company;

(12) "Qualified investment", the investment of cash by a Missouri certified capital company in such a manner as to acquire capital in a qualified Missouri business;

(13) "Qualified Missouri business", an independently owned and operated business, which is headquartered and located in Missouri and which is in need of venture capital and cannot obtain conventional financing. Such business shall have no more than two hundred employees, eighty percent of which are employed in Missouri. Such business shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians. If such business has been in existence for three years or less, its gross sales during its most recent complete fiscal years shall not have exceeded four million dollars. If such business has been in existence for longer than three years, its gross sales during its most recent complete fiscal year shall not have exceeded three million dollars. Any business which is classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company shall, for a period of seven years from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company and such follow-on investments shall be qualified investments even though such business may not meet the other qualifications of this subsection at the time of such follow-on investments;

(14) "State premium tax liability", any liability incurred by an insurance company under the provisions of [section 148.370] **section 148.320, 148.340, 148.370 or 148.376**, RSMo, and **any other** related provisions, **which may impose a tax upon the premium income of insurance companies after January 1, 1997.**"; and

Further amend said bill, Page 47, Section 135.503, Line 25, by deleting the following: "**for calendar year 1998, \$0.00;**"; and

Further amend said bill, Page 47, Section 135.503, Line 26, by deleting the following: "[thereafter]" and inserting in lieu thereof the word "thereafter".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In The Title, Line 2, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 1, In The Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 9, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 11, Section 30.765, Line 13, by inserting immediately after said line the following:

"64.930. 1. The county sports complex authority shall consist of five commissioners who shall be qualified voters of the state of Missouri, and residents of such county. The commissioners of the county commission by a majority vote thereof shall submit a panel of nine names to the governor who shall select with the advice and consent of the senate five commissioners from such panel, no more than three of which shall be of any one political party, who shall constitute the members of such authority[; provided, however, that no elective or appointed official of any political subdivision of the state of Missouri shall be a member of the county sports complex authority].

2. The authority shall elect from its number a chairman and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least three members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Such sports complex commissioners shall serve in the following manner: One for two years, one for three years, one for four years, one for five years, and one for six years. Successors shall hold office for terms of five years, or for the unexpired terms of their predecessors. Each sports complex commissioner shall hold office until his successor has been appointed and qualified.

4. In the event a vacancy exists a new panel of three names shall be submitted by majority vote of the county commission to the governor for appointment. All such vacancies shall be filled within thirty days from the date thereof.

5. The compensation of the sports complex commissioners to be paid by the authority shall be determined by the sports complex commissioners, but in no event shall exceed the sum of three thousand dollars per annum. In addition, the sports complex commissioners shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties."; and

Further amend said bill, Page 119, Section 34, Line 4, by deleting the following: "**appointed by**"; and

Further amend said bill, Page 119, Section 34, Line 7, by deleting the following: "**appointed by**".

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Section 70.508, Subsection 2, Page 15, Line 10, by deleting all of said line and inserting in lieu thereof the following:

"revenues collected from sales tax pursuant to section 70.500, RSMo."; and

Further amend said bill, Section 70.508, Subsection 3, Page 15, Line 15, by deleting all of said line, and inserting in lieu thereof the following:

"from any revenues collected from sales tax pursuant to section 70.500, RSMo.".

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 1, In the Title, Lines 11 and 12, by deleting the words ", with an effective date and a termination date for certain sections"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 13, by inserting immediately after the figure "253.561," the figure "253.562,"; and

Further amend said bill, Page 76, Section 253.561, Line 12, by inserting immediately after said line the following:

"253.562. The provisions of sections 253.550, 253.559 and 253.561 shall become effective on January 1, 1998, and shall apply to all taxable years beginning after December 31, 1997, and shall terminate on December 31, 2002."; and

Further amend said bill, Page 124, Section B, Lines 1 through 3, by deleting all of said Section B.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Section 143.451, Subsection 2, Paragraph 4, by deleting the number "**135.600**" found on Line 40, on Line 43, on Line 44, on Line 45, and on Line 47, and inserting in lieu thereof on each of the said lines the words "**Section 23**".

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 7, by inserting immediately after the figure "67.1300," the figure "100.840,"; and

Further amend said bill, Page 1, In the Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 6, by inserting immediately after the figure "67.1300," the figure "100.840,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 10, by inserting immediately after the figure "99.865," the figure "100.840,"; and

Further amend said bill, Page 26, Section 99.865, Line 54, by inserting immediately after said line the following:

"100.840. 1. To provide funds for the present payment of the costs of economic development projects, the board may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement. The total amount of outstanding certificates sold by the board shall not exceed [thirty-five] **fifty** million dollars. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board, and may bear interest at such rate or rates as the board shall determine, notwithstanding the provisions of section 108.170, RSMo, to the contrary. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater or lesser principal amount of certificates and may bear a higher, lower or equivalent rate of interest than the certificates being renewed or refunded.

3. The board shall determine if revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

4. Certificates issued pursuant to this section shall not be deemed to be an indebtedness of the state or the board or of any political subdivision of the state."

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 115, Section 23, Line 50, by inserting immediately after the word "**return.**" the words "**The director may deny such certification if, in the director's opinion, a certified capital investment funds service corporation has not created a sufficient number of new jobs or retained a sufficient number of existing jobs within Missouri. The director's determination of whether or not certification shall be granted may also take into consideration the salary levels of the new or existing jobs within the state.**".

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 2, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 1, In the Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 9, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 11, Section 30.765, Line 13, by inserting immediately after said line the following:

"64.930. 1. The county sports complex authority shall consist of [five] **seven** commissioners who shall be qualified voters of the state of Missouri, and residents of such county. The commissioners of the county commission by a majority vote thereof shall submit a panel of nine names to the governor who shall select with the advice and consent of the senate five commissioners from such panel, no more than [three] **five** of which shall be of any one political party, who shall constitute the members of such authority[; provided, however, that no elective or appointed official of any political subdivision of the state of Missouri shall be a member of the county sports complex authority].

2. The authority shall elect from its number a chairman and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least [three] **four** members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Such sports complex commissioners shall serve in the following manner: One for two years, one for three years, one for four years, one for five years, and one for six years. Successors shall hold office for terms of five years, or for the unexpired terms of their predecessors. Each sports complex commissioner shall hold office until his successor has been appointed and qualified.

4. In the event a vacancy exists a new panel of three names shall be submitted by majority vote of the county commission to the governor for appointment. All such vacancies shall be filled within thirty days from the date thereof. **As commissioners serving on the sports complex authority are replaced after August 28, 1997, by new commissioners, at least two of the five governor-appointed commissioners shall be residents of Jackson County and not residents of Kansas City.**

5. The compensation of the sports complex commissioners to be paid by the authority shall be determined by the sports complex commissioners, but in no event shall exceed the sum of three thousand dollars per annum. In addition, the sports complex commissioners shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties."; and

Further amend said bill, Page 119, Section 34, Line 4, by deleting the following: "**appointed by**"; and

Further amend said bill, Page 119, Section 34, Line 7, by deleting the following: "**appointed by**".

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 2, by inserting immediately after the figure "70.390," the figure "99.340,"; and

Further amend said bill, Page 1, In the Title, Line 3, by inserting immediately after the figure "99.810," the figures "99.820, 99.825, 99.830,"; and

Further amend said bill, Page 1, In the Title, Line 3, by inserting immediately after the figure "99.845," the figure "99.863,"; and

Further amend said bill, Page 1, In the Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred twenty-two"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after the figure "70.390," the figure "99.340,"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after the figure "99.810," the figures "99.820, 99.825, 99.830,"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after the figure "99.845," the figure

"99.863,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred twenty-two"; and

Further amend said bill, Page 2, Section A, Lines 9 and 10, by deleting the figures "99.805, 99.810, 99.835, 99.845, 99.865," and inserting in lieu thereof the figures "99.340, 99.805, 99.810, 99.820, 99.825, 99.830, 99.835, 99.845, 99.863, 99.865,"; and

Further amend said bill, Page 15, Section 70.508, Line 22, by inserting immediately after said line the following:

"99.340. 1. When the governing body of a municipality adopts a resolution or ordinance as aforesaid, it shall promptly notify the mayor of such adoption. If the resolution or ordinance adopted is one approving the exercise of powers hereunder by a land clearance for redevelopment authority, the mayor shall appoint a board of commissioners of such authority which shall consist of five commissioners, and when the governing body of a county adopts such a resolution, said body shall appoint a board of commissioners of the authority created for such county which shall consist of five commissioners.

2. All commissioners of an authority shall be taxpayers who have resided [in the area of operation thereof for five years prior to their appointment] **for a period of five years in, in the case of a municipality, the area within the municipality; and, in the case of a county, the area within the county.**

3. Two of the commissioners who are first appointed shall be designated to serve for terms of one year from the date of their appointment and three shall be designated to serve for terms of two, three and four years respectively from the date of their appointment. Thereafter, commissioners shall be appointed as aforesaid for a term of office for four years except that all vacancies shall be filled for the unexpired term."; and

Further amend said bill, Page 19, Section 99.810, Line 38, by inserting immediately after said line the following:

"99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon **directly and** substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) [Within a redevelopment area,] **Pursuant to a redevelopment plan**, subject to any constitutional limitations, acquire by purchase, donation, lease or eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. [Furthermore, no] **Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects, including procedures for the** conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. [The] **Such** procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

- (4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;
- (5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;
- (6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;
- (7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;
- (8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;
- (9) Acquire and construct public facilities within a redevelopment area;
- (10) Incur redevelopment costs and issue obligations;
- (11) Make payment in lieu of taxes, or a portion thereof, to taxing districts[. If payments in lieu of taxes, or a portion thereof, are made to taxing districts, those payments];

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be [made, from the special allocation fund,] **distributed** to [all] **taxing** districts within the **redevelopment** area [selected for a redevelopment project] **which impose ad valorem taxes** on a basis [which] **that** is proportional to the current collections of revenue which each taxing district receives from real property in the [area selected for a redevelopment project] **redevelopment area**;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

[(12)] **(13)** If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs[.];

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment

plan or redevelopment project, the municipality shall create a commission of nine persons **if the municipality is a county or a city not within a county and eleven persons if the municipality is not a county** to be appointed as follows:

(1) **In all municipalities** two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) **In all municipalities** one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality; [and]

(3) **In all municipalities** six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality[.];

(4) **In all municipalities which are not counties, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;**

(5) **At the option of the members appointed by the municipality,** the members who are appointed by the school boards and other taxing districts [shall] **may** serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area, is considered for approval by the commission[.], **or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved** such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in this act except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of, or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsections 2 and 3 of this section shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, **or comments on,** and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests [and], objections, **comments and other evidence presented** at the hearing. The hearing may be [adjourned] **continued** to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the [adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, but after] **conclusion of**

the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area [which changes do not alter the exterior boundaries, or do not substantially affect the general land uses established in the], **provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a** redevelopment plan or [substantially change the nature of the] redevelopment project, [without further hearing or notice; provided, that notice of such changes is given at the hearing] or **designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given** by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.

99.830. 1. Notice of the public hearing required by section 99.825 shall be given by publication and mailing. Notice by publication shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to the hearing, in a newspaper of general circulation in the area of the proposed redevelopment. Notice by mailing shall be given by depositing such notice in the United States mails by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the redevelopment project or redevelopment area which is to be subjected to the payment or payments in lieu of taxes and economic activity taxes pursuant to section 99.845. Such notice shall be mailed not less than ten days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding three years as the owners of such property.

2. The notices issued pursuant to this section shall include the following:

(1) The time and place of the public hearing;

(2) The general boundaries of the proposed redevelopment area or redevelopment project by street location, where possible;

(3) A statement that all interested persons shall be given an opportunity to be heard at the public hearing;

(4) A description of the proposed redevelopment plan or redevelopment project and a location and time where the entire plan or project proposal may be reviewed by any interested party;

(5) Such other matters as the commission may deem appropriate.

3. Not less than forty-five days prior to the date set for the public hearing, the commission shall give notice by mail as provided in subsection 1 of this section to all taxing districts from which taxable property is included in the redevelopment area, redevelopment project or redevelopment plan, and in addition to the other requirements [under] **pursuant to** subsection 2 of this section, the notice shall include an invitation to each taxing district to submit comments to the commission concerning the subject matter of the hearing prior to the date of the hearing.

4. A copy of any and all hearing notices required by section 99.825 shall be submitted by the commission to the

director of the department of economic development. Such submission of the copy of the hearing notice shall comply with the prior notice requirements pursuant to subsection 3 of this section." ; and

Further amend said bill, Page 24, Section 99.845, Line 116, by inserting immediately after said line the following:

"99.863. Beginning in 1999, and every five years thereafter, a joint committee of the general assembly, comprised of five members appointed by the speaker of the house of representatives and five members appointed by the president pro tem of the senate, shall review section 99.800 to 99.865. A report based on such review, with any recommended legislative changes, shall be submitted to the speaker of the house of representatives and the president pro tem of the senate no later than February first following the year in which the review is conducted."

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 19, Section 99.810, Line 38, by adding the following:

"(7) Whenever a proposed redevelopment plan is within an area of special flood hazard or floodway fringe a hydrologic and hydraulic analysis shall be provided showing the impact on that area and upon residential development that is within the surrounding area up to a radius of approximately two miles from the redevelopment project. The analysis shall include a detailed description for the potential of periodic inundation which results in loss of life, property, health and safety hazards, extraordinary public expenditures for flood protection and relief, damage to air or water environmental quality, all of which adversely affect the public health, safety and general welfare."

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 124, Section 49, Line 9, by adding immediately after said line, the following:

"Section 49. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act."

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Pages 93-113, Sections 1 through 21, by deleting all of said sections;

Further amend said bill by amending the title and enacting clause, and renumbering the sections following section 21 accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred thirty-two"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred thirty-two"; and

Further amend said bill, Page 2, Section A, Line 12, by inserting immediately after the figure "178.896," the figures "184.800, 184.805, 184.810, 184.815, 184.820, 184.825, 184.830, 184.835, 184.840, 184.845, 184.850, 184.860, 184.865, 184.870, 184.880,"; and

Further amend said bill, Page 57, Section 178.896, Line 33, by inserting immediately after all of said line the following:

"184.800. Sections 184.800 to 184.880 shall be known as the "Missouri Museum District Act".

184.805. 1. As used in sections 184.800 to 184.880, the following terms mean:

(1) "Board", the board of directors of a district;

(2) "District", a museum district organized pursuant to sections 184.800 to 184.880;

(3) "Museum", a building or area used for the purpose of exhibiting and/or preserving objects or specimens of interest to the public, including but not limited to art, items of natural history, and items connected with wildlife and conservation;

(4) "Owner of real property", the owner of the fee interest in the real property, except that when the real property is subject to a lease of ten or more years, the lessee rather than the owner of the fee interest shall be considered as the "owner of real property". An owner may be either a natural person or a juridical entity.

2. For the purposes of sections 11(c), 16 and 22 of article X of the constitution of Missouri, section 137.073, RSMo, and as used in sections 184.800 to 184.880, the following terms shall have the meanings given:

(1) "Approval of the required majority" or "direct voter approval", a simple majority;

(2) "Qualified voters", the owners of real property located within the proposed district or any person residing in the district who is a legal voter within the district.

184.810. 1. A district may be created to fund, promote, plan, design, construct, improve, maintain and operate one or more projects relating to a museum or to assist in such activity.

2. A district is a political subdivision of the state.

184.815. 1. Whenever the creation of a district is desired, the owners of real property who own at least two-thirds of the real property within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located. Any petition to create a museum district pursuant to the provisions of sections 184.800 to 184.880 shall be filed on or before December 31, 1998.

2. The proposed district area shall be contiguous and may contain any portion of one or more municipalities.

3. The petition shall set forth:

(1) The name and address of each owner of real property located within the proposed district or who is a legal voter resident within the proposed district;

(2) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(3) A general description of the purpose or purposes for which the district is being formed, including a description of the proposed museum or museums and a general plan for its operation; and

(4) The name of the proposed district.

3. In the event any owner of real property within the proposed district who is named in the petition or any legal voter resident within the district shall not join in the petition or file an entry of appearance and waiver of service of process in the case, a copy of the petition shall be served upon said owner or legal voter in the manner provided by supreme court rule for the service of petitions generally. Any objections to the petition shall be raised by answer within the time provided by supreme court rule for the filing of an answer to a petition.

184.820. 1. Any owner of real property within the proposed district and any legal voter who is a resident within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a judgment respecting these same issues.

2. The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall enter its judgment to that effect and shall refuse to incorporate the district as requested in the pleadings. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall determine and declare the district organized and incorporated and shall approve the plan of operation stated in the petition.

3. Any party having filed a petition or answer or petition may appeal the circuit court's order or judgment in the same manner as provided for other appeals. Any order either refusing to incorporate the district or incorporating the district shall be deemed a final judgment for purposes of appeal

184.825. The costs of filing and defending the petition and all publication and incidental costs incurred in obtaining circuit court certification of the petition for voter approval shall be paid by the petitioners. If a district is organized pursuant to sections 184.800 to 184.880, the petitioners may be reimbursed for such costs out of the revenues received by the district.

184.830. 1. Within thirty days after the order declaring the district organized has become final, the circuit clerk of the county in which the petition was filed shall, give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, call a meeting of the owners of real property within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of five directors, to be composed of owners or representatives of owners of real property in the district.

2. The owners of real property, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election. At the election, each acre of real property within the district shall be considered as a voting interest, and each owner of real property shall have one vote in person or by proxy for every acre of real property owned within the district for each director to be elected. A director need not be a legal voter of the district.

3. Each director shall serve for a term of three years and until his successor is duly elected and qualified. Successor director shall be elected in the same manner as the initial directors at a meeting of the owners of real property called by the board. Each successor director shall serve a three-year term. The remaining directors shall have the authority to elect an interim director to complete any unexpired term of a director caused by resignation or disqualification.

4. Directors shall be at least twenty-one years of age.

184.835. 1. The board shall possess and exercise all of the district's legislative and executive powers.

2. Within thirty days after the election of the initial directors, the board shall meet. At its first meeting and after each election of new board members the board shall elect a chairman, a secretary, a treasurer and such other officers as it deems necessary from its members. A director may fill more than one office, except that a director may not fill both the office of chairman and secretary.

3. The board may employ such employees as it deems necessary; provided, however, that the board shall not employ any employee who is related within the fourth degree by blood or marriage to a member of the board.

4. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

5. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

6. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and may be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district.

184.840. 1. A district may receive and use funds for the purposes of planning, designing, constructing, reconstructing, maintaining and operating a museum, conducting educational programs in connection therewith for any public purpose which is reasonably connected with the museum and for any other purposes authorized by sections 184.840 to 184.880. Such funds may be derived from any funding method which is authorized by sections 184.800 to 184.880 and from any other source, including but not limited to funds from federal sources, the state of Missouri or an agency thereof, a political subdivision of the state or private sources.

2. The general assembly may annually for a period of twenty years after the effective date of this act make appropriations from general revenue to a district which is created pursuant to the provisions of sections 184.800 to 184.880. In no event shall the amount appropriated to any district exceed on an annual basis the annual state sales tax revenues generated from businesses within the district.

184.845. 1. The board of the district may impose a museum district sales tax by resolution on all retail sales made in such museum district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. Such museum district sales tax may be imposed for any museum purpose designated by the board of the museum district. If the resolution is adopted the board of the district may submit the question of whether to impose a sales tax authorized by this section to either the legal voters of the district and/or to the owners of real property within the district who shall have the same voting interests as with the election of members of the board of the district.

2. The sales tax authorized by this section shall become effective on the first day of the second calendar quarter following adoption of the tax by the qualified voters.

3. In each museum district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the museum district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

4. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the museum district may establish appropriate brackets which shall be used in district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.825, RSMo.

5. All revenue received by a museum district from the tax authorized by this section which has been designated for a certain museum purpose shall be deposited in a special trust fund and shall be used solely for

such designated purpose. All funds remaining in the special trust fund shall continue to be used solely for such designated museum purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other museum district funds.

6. The sales tax may be imposed at a rate of one-half of one percent, three-fourths of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the museum district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo. Any museum district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

7. On and after the effective date of any tax imposed pursuant to this section, the museum district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the museum district.

8. All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

9. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

10. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the museum district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

11. The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

12. For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order shall be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business form which the employee works.

13. All sales taxes collected by the museum district shall be deposited by the museum district in a special fund to be expended for the purposes authorized in this section. The museum district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection by the officers and directors of each museum district and the Missouri department of revenue. Tax returns filed by businesses with the district shall otherwise be considered as confidential in the same manner as sales tax returns filed with the Missouri department of revenue.

14. No museum district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued to finance any project or projects.

184.850. 1. A district may contract and incur obligations appropriate to accomplish its purposes.

2. A district may enter into any lease or lease-purchase agreement for or with respect to any real or personal property necessary or convenient for its purposes.

3. A district may enter into operating agreements and/or management agreements with not for profit corporations to operate the museum or carry out any other authorized purposes of functions of the district.

4. A district may borrow money for its purposes at such rates of interest as the district may determine.

5. A district may issue bonds, notes and other obligations, and may secure any of such obligations by mortgage, pledge, assignment, security agreement or deed of trust of any or all of the property and income of the district, subject to the restrictions provided in sections 184.800 to 184.880. The district shall also have the power and authority to secure financing on the issuance of bonds for financing through another political subdivision or an agency of the state.

6. A district may enter into labor agreements, establish all bid conditions, decide all contract awards, pay all contractors and generally supervise the construction of the museum project.

184.860. 1. A district may at any time authorize or issue revenue bonds for the purpose of paying all or any part of the cost of any project. Every issue of such bonds shall be payable out of the revenues of the district and may be further secured by other property of the district which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds shall be authorized by resolution of the board of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of forty years, as the resolution shall specify. Such bonds shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide notwithstanding the provisions of section 108.170, RSMo. The bonds may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.

2. Any issue of district bonds outstanding may be refunded at any time by the district by issuing its refunding bonds in such amount as the district may deem necessary. Such bonds may not exceed the amount sufficient to refund the principal of the bonds so to be refunded together with any unpaid interest thereon and any premiums, commissions, service fees, and other expenses necessary to be paid in connection with the refunding. Any such refunding may be effected whether the bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds being refunded or by the exchange of the refunding bonds for the bonds being refunded with the consent of the holder or holders of the bonds being refunded. Refunding bonds may be issued regardless of whether the bonds being refunded were issued in connection with the same project or a separate project and regardless of whether the bonds proposed to be refunded shall be payable on the same date or different date or shall be due serially or otherwise.

3. Bonds issued pursuant to this section shall exclusively be the responsibility of the district and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state other than the district. The district shall not be obligated to pay such bonds with any funds other than those specifically pledged to repayment of the bonds. Any bonds issued by a district shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the district.

4. Bonds issued pursuant to this section, the interest thereon, or any proceeds from such bonds shall be exempt from taxation in the state of Missouri for all purposes except the state estate tax.

184.865. The district may contract with a federal agency, a state or its agencies and political subdivisions, a corporation, partnership or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity; provided, however, that any contract

providing for the overall management and operation of the museum for the district shall only be with a governmental entity or a not for profit corporation.

184.870. In addition to all other powers granted by sections 184.800 to 184.880 the district shall have the following general powers:

(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(2) To fix compensation of its employees and contractors;

(3) To purchase any personal property necessary or convenient for its activities;

(4) To collect and disburse funds for its activities; and

(5) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

184.880. 1. The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers and its employees from any potential liability and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be charged against the project.

2. The district may also require contractors performing construction or maintenance work on the project and companies providing operational and management services to obtain liability insurance having the district, its directors and employees as additional named insureds.

3. The district shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds available to cover any anticipated judgments or settlements and still complete its project without interruption. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources."

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 124, Section 48, Line 1, by inserting after said line the following:

"Section 49. Excursion gambling boats, as defined in section 313.800, RSMo, shall only serve intoxicating beverages during hours established by law for other establishments located within the same political subdivision."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Section 27, Page 116, Line 10, by deleting the words **"five hundred"** and inserting in lieu thereof the words **"fifteen thousand five hundred"**.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 26, Section 99.865, Line 54, by adding immediately after said line, the following:

"99.870. (1) Any city with a population in excess of 400,000 may file a plan with the department of economic development to develop a race track facility classified in SIC 7944, in an enterprise zone as described in Chapter 135

RSMo. If the director and the commissioner of administration approve the plan, the director may provide that some portion of the state sales tax generated by the development be rebated to the department of revenue, which shall deposit such rebate in a special fund for the purpose of paying the cost of public infrastructure necessitated by the project. Monies in such special fund shall be expended only as approved by appropriation of the General Assembly. In determining the amount of state sales tax so generated, the director may use such reasonable multipliers as are commonly accepted by the International Association of Convention and Visitors' Bureaus. The approval of the director shall become final upon the ratification thereof by the joint committee on economic development, policy and planning, established pursuant to Section 620.602, RSMo. The provisions of this section shall not apply to state sales tax revenues from redevelopment areas designated pursuant to Section 99.845. 4, and shall not apply to sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund pursuant to Section 144.701, and sales and use taxes on motor vehicles, trailers, boats, and outboard motors.

(2) There is hereby established within the state treasury a special fund to be known as the "Missouri Sales Tax Increment Financing Revolving Fund", to be administered by the department of revenue. The department shall annually credit to the Missouri sales tax increment financing fund the sales tax authorized under the provisions of sections 99.845.4 and 99.870."

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 16, Section 99.805, Lines 50 and 51, by deleting the words "**two years**" and inserting in lieu thereof the words "**one year**".

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In The Title, Line 3, by inserting immediately after the figure "99.865," the figures "100.255, 100.264, 100.275, 100.297,"; and

Further amend said bill, Page 1, In The Title, Line 7, by inserting immediately after the figure "67.1300," the figure "100.296,"; and

Further amend said bill, Page 1, In The Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred twenty-one"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after the figure "99.865," the figures "100.255, 100.264, 100.275, 100.297,"; and

Further amend said bill, Page 2, Section A, Line 6, by inserting immediately after the figure "67.1300," the figure "100.296,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred twenty-one"; and

Further amend said bill, Page 2, Section A, Line 10, by inserting immediately after the figure "99.865," the figures "100.255, 100.264, 100.275, 100.297,"; and

Further amend said bill, Page 26, Section 99.865, Line 54, by inserting immediately after said line the following:

"100.255. As used in sections 100.250 to 100.297, the following terms mean:

(1) "Board", the Missouri development finance board created by section 100.265;

(2) "Borrower", any person, partnership, public or private corporation, association, development agency or any other entity eligible for funding under sections 100.250 to 100.297;

(3) "Development agency", any of the following:

(a) A port authority established pursuant to chapter 68, RSMo;

(b) The bi-state development agencies established pursuant to sections 70.370 to 70.440, RSMo, and sections 238.010 to 238.100, RSMo;

(c) A land clearance for redevelopment authority established pursuant to sections 99.300 to 99.660, RSMo;

(d) A county, city, incorporated town or village or other political subdivision or public body of this state;

(e) A planned industrial expansion authority established pursuant to sections 100.300 to 100.620;

(f) An industrial development corporation established pursuant to sections 349.010 to 349.105, RSMo;

(g) A real property tax increment financing commission established pursuant to sections 99.800 to 99.865, RSMo;

(h) Any other governmental, quasi-governmental or quasi-public corporation or entity created by state law or by resolution adopted by the governing body of a development agency otherwise described in paragraph (a) or (g) of this subdivision;

(4) "Development and reserve fund", the industrial development and reserve fund established under section 100.260;

(5) "Export finance fund", the Missouri export finance fund established under section 100.260;

(6) "Export trade activities" includes, but is not limited to, consulting, international market research, advertising, marketing, insurance, product research and design, legal assistance, transportation, including trade documentation and freight forwarding, communication, and processing of foreign orders to and for exporters and foreign purchases and warehousing, when undertaken to export or facilitate the export of goods or services produced or assembled in this state;

(7) "Guarantee fund", the industrial development guarantee fund established by section 100.260;

(8) "Infrastructure development fund", the infrastructure development fund established under section 100.263;

(9) "Infrastructure facilities", the highways, streets, bridges, water supply and distribution systems, mass transportation facilities and equipment, telecommunication facilities, jails and prisons, sewers and sewage treatment facilities, waste water treatment facilities, airports, railroads, reservoirs, dams and waterways in this state, **acquisition of blighted real estate and the improvements thereon, demolition of existing structures and preparation of sites in anticipation of development, public facilities** and any other improvements provided by any form of government or development agency;

(10) "Participating lender", a lender authorized by the board to participate with the board in the making of a loan or to make loans the repayment of which is secured by the development and reserve fund;

(11) "Project", the purchase, construction, extension, and improvement of real estate, plants, buildings, structures or facilities, whether or not now in existence, used or to be used primarily as a factory, assembly plant, manufacturing plant, fabricating plant, distribution center, warehouse building, **office building**, port terminal or facility, transportation and transfer facility, industrial plant, processing plant, commercial or agricultural facility, **nursing or retirement facility or combination thereof, recreational facility, cultural facility, public facilities, job training or other vocational training facility**, infrastructure facility, video-audio telecommunication conferencing facility, office building, facility for the prevention, reduction, disposal or control of pollution, sewage or solid waste, facility for conducting export trade activities, or research and development building in connection with any of the facilities defined as a project in this subdivision. The term "project" shall also include any improvements, including, but not limited to, road or rail construction, alteration or relocation, and construction of facilities to provide utility service for any of the facilities defined as a project under this subdivision, along with any fixtures, equipment, and machinery, and any

demolition and relocation expenses used in connection with any such projects and any capital used to promote and facilitate such facilities and notes payable from anticipated revenue issued by any development agency[.];

(12) "Public facility", any facility or improvements available for use by the general public including facilities for which user or other fees are charges on a nondiscriminatory basis.

[100.264. Notwithstanding any law to the contrary, any request for a loan or bond issue that exceeds one million dollars for infrastructure facilities project as defined in section 100.255, from the infrastructure development fund as defined in section 100.263, shall not be approved unless the request for such loan or bond issue has been denied by two commercial lenders located in Missouri who regularly make such loans or underwrite such bond issues.]

100.275. 1. The board may at any time issue revenue bonds for the purpose of paying any part of the cost of any project or projects, or part thereof, and for the purpose of refunding any of its bonds **or the bonds of any development agency**. Every issue of its bonds shall be payable out of the revenues of the board which may be pledged for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds or pledging any specified revenues. The bonds shall be authorized by resolution of the board, shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution of the board shall specify. The bonds shall be in such denominations, bear interest at such rates, be in such form, either coupon or registered, be issued in such manner, be payable in such place or places and be subject to redemption as such resolution may provide. The bonds of the board may be sold at public or private sale, as the board may specify, at such price or prices as the board shall determine, but at not less than ninety-five percent of the principal amount thereof, and at such interest rate as the board shall determine, notwithstanding the provisions of section 108.170, RSMo.

2. The board may issue notes payable from the proceeds of bonds to be issued in the future or from such other sources as the board may specify as in the case of bonds. Such notes shall mature in not more than five years and shall be sold at public or private sale, as the board may specify, at not less than ninety-five percent of the principal amount thereof and at such interest rate as the board shall determine, notwithstanding the provisions of section 108.170, RSMo. The other details with respect to such notes shall be determined by the board as in the case of bonds.

3. The state shall not be liable on any notes or bonds of the board. Such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

4. No member of the board nor any person authorized to execute notes or bonds of the board shall be liable personally on such notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

5. The notes and bonds of the board are securities in which all public bodies and political subdivisions of this state; all insurance companies and associations and all other persons carrying on an insurance business; all banks, trust companies, saving associations, savings and loan associations, credit unions, and investment companies; all administrators, guardians, executors, trustees, and other fiduciaries; and all other persons who now or may hereafter be authorized to invest in notes and bonds or other obligations of this state may properly and legally invest funds, including capital, in their control or belonging to them.

6. The board shall not be required to pay any taxes or any assessments whatsoever to this state, any political subdivision of this state, or any other governmental agency of this state. The notes and bonds of the board, and the income therefrom, shall, at all times, be exempt from any taxes and any assessments, except for estate taxes, gift taxes, and taxes on transfers.

7. Nothing contained in sections 100.250 to 100.297 shall be deemed to constitute a use of state funds or credit in violation of the provisions of article III, sections 37, 38(a) and 39, of the Missouri Constitution.

8. The board shall have the power to contract with any development agency to perform any governmental service, activity or undertaking which the contracting development agency is authorized by law to perform or to issue any bonds or notes which the contracting development agency is authorized by law to issue. Any such contract shall be authorized by the governing body of the development agency and by the board and shall state

the purpose of the contract and the powers and duties of the parties thereunder. Any bonds or notes issued by the board on behalf of a development agency shall be entitled to the same security as if such bonds or notes were issued directly by the development agency. In addition to any other security for such bonds or notes, the board may secure such bonds, notes or other indebtedness in the manner described in section 100.297.

100.296. 1. Sections 100.250 to 100.297 shall not be subject to the provisions of sections 109.200 to 109.310, RSMo, the state and local records law, or the provisions of sections 610.010 to 610.030, RSMo, relating to the meetings of governmental bodies, and a member appointed pursuant to section 100.265 shall be exempt from the provisions of chapter 105, RSMo, provided that the member shall not vote or participate in any matter in which the member has a direct or indirect interest. For the purposes of sections 100.250 to 100.297, a "direct or indirect interest" means the ownership of ten percent or more of any class of equity securities in any corporation seeking a guarantee pursuant to the provisions of sections 100.250 to 100.297, occupying the office of vice president or other office senior to the office of vice president, or a director, of any corporation seeking a guarantee pursuant to the provisions of sections 100.250 to 100.297; provided, nothing contained in sections 100.250 to 100.297, nor the provisions of chapter 105, RSMo, shall prevent any corporation, bank, or trust company from purchasing, selling, or otherwise dealing in bonds or notes or mortgages guaranteed pursuant to the provisions of sections 100.250 to 100.297. The development and reserve fund may be pledged to secure loans made through a participating lender with which a member of the board is affiliated so long as the member does not participate in or attempt to influence the approval of any such loan.

2. The board shall not knowingly extend or secure a loan or grant a tax credit to, or issue any bonds or enter into any other agreement with or on behalf of any business entity in which a board member, statewide elected official, state legislator or employee of this state has a substantial interest as defined in section 105.450, RSMo.

3. The board shall not knowingly extend or secure a loan or grant a tax credit to, or issue any bonds or enter into any other agreement with or on behalf of any business entity until each officer of the business entity has notified the board of all campaign contributions such officer has made within the previous two years [which are], **to the extent such contributions are not otherwise reportable by the recipient**, under the provisions of chapter 130, RSMo. For the purposes of this section, "an officer" means a person who is employed by the business entity in a policy-making capacity and whose name is listed in the business entity's articles of incorporation filed with the secretary of state.

100.297. 1. The board may authorize a tax credit, as described in this section, to the owner of any revenue bonds or notes issued by the board under the provisions of sections 100.250 to 100.297, for infrastructure facilities as defined in subdivision (9) of section 100.255, if, prior to the issuance of such bonds or notes, the board determines that:

(1) The availability of such tax credit is a material inducement to the undertaking of the project in the state of Missouri and to the sale of the bonds or notes;

(2) The loan with respect to the project is adequately secured by a first deed of trust or mortgage or comparable lien, or other security satisfactory to the board.

2. Upon making the determinations specified in subsection 1 of this section, the board may declare that each owner of an issue of revenue bonds or notes shall be entitled, in lieu of any other deduction with respect to such bonds or notes, to a tax credit against any tax otherwise due by such owner under the provisions of chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.261, RSMo, chapter 147, RSMo, or chapter 148, RSMo, in the amount of one hundred percent of the unpaid principal of and [accrued] **unpaid** interest on such bonds or notes held by such owner in the taxable year of such owner following the calendar year of the default of the loan by the borrower with respect to the project. The occurrence of a default shall be governed by documents authorizing the issuance of the bonds. The tax credit allowed under this section shall be available to the original owners of the bonds or notes or any subsequent owner or owners thereof. Once an owner is entitled to a claim, any such tax credits shall be transferable as provided in subsection 7 of section 100.286. Notwithstanding any provision of Missouri law to the contrary, any portion of the tax credit to which any owner of a revenue bond or note is entitled under this section which exceeds the total income tax liability of such owner of a revenue bond or note shall be carried forward and allowed as a credit against any future taxes imposed on such owner within the next ten years under the provisions of chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.261, RSMo, chapter 147, RSMo, or chapter 148, RSMo. The

eligibility of the owner of any revenue bond or note issued under the provisions of sections 100.250 to 100.297 for the tax credit provided by this section shall be expressly stated on the face of each such bond or note. **The tax credit allowed pursuant to this section shall also be available to any financial institution or guarantor which executes any credit facility as security for bonds issued pursuant to this section to the same extent as if such financial institution or guarantor was an owner of the bonds or notes, provided however, in such case the tax credits provided by this section shall be available immediately following any default of the loan by the borrower with respect to the project. In addition to reimbursing the financial institution or guarantor for claims relating to unpaid principal and interest, such claim may include payment of any unpaid fees imposed by such financial institution or guarantor for use of the credit facility.**

3. The aggregate principal amount of revenue bonds or notes outstanding at any time with respect to which the tax credit provided in this section shall be available shall not exceed fifty million dollars."

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 10, by striking the words, "one hundred seventeen", and inserting in lieu thereof the words, "one hundred eighteen", and,

Further amend said bill, page 1, section A, line 8, by striking the words, "one hundred seventeen", and inserting in lieu thereof the words, "one hundred eighteen", and,

Further amend said bill same page and section, line 17, by striking the words, "and 48", and inserting the words, "48 and 49", and

Further amend said bill, page 124, section 48, line 1, by adding a new section immediately after line 1 to read as follows:

"Section 49. Notwithstanding the provisions in section 362.245 and 362.250 RSMo., or other provisions of chapter 362, a bank director who is not a stockholder of the bank or trust company, shall have all the rights, privileges and duties of a bank director who is a shareholder, except the duty to have qualifying shares in such bank or trust company or qualifying shares in the bank holding company which controls such bank or trust company."

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In The Title, Lines 3 through 5, by deleting the figures "238.202, 238.207, 238.210, 238.212, 238.215, 238.220, 238.227, 238.230, 238.232, 238.235, 238.237, 238.240,"; and

Further amend said bill, Page 1, In The Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred four"; and

Further amend said bill, Page 1, Section A, Lines 2 through 4, by deleting the word and figures "238.202, 238.207, 238.210, 238.212, 238.215, 238.220, 238.227, 238.230, 238.232, 238.235, 238.237, 238.240,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred four"; and

Further amend said bill, Page 2, Section A, Lines 12 and 113, by deleting the word and figures "238.202, 238.207, 238.210, 238.212, 238.215, 238.216, 238.220, 238.227, 238.230, 238.232, 238.235, 238.237, 238.240,"; and

Further amend said bill, Page 57, Section 238.202, Lines 1 through 25, by deleting all of said section 238.202; and

Further amend said bill, Page 58, Section 238.207, Lines 1 through 41, by deleting all of said section 238.207; and

Further amend said bill, Page 59, Section 238.210, Lines 1 through 34, by deleting all of said section 238.210; and
Further amend said bill, Page 60, Section 238.212, Lines 1 through 32, by deleting all of said section 238.212; and
Further amend said bill, Page 61, Section 238.215, Lines 1 through 28, by deleting all of said section 238.215; and
Further amend said bill, Page 61, Section 238.216, Lines 1 through 66, by deleting all of said section 238.216; and
Further amend said bill, Page 63, Section 238.220, Lines 1 through 55, by deleting all of said section 238.220; and
Further amend said bill, Page 65, Section 238.227, Lines 1 through 17, by deleting all of said section 238.227; and
Further amend said bill, Page 65, Section 238.230, Lines 1 through 30, by deleting all of said section 238.230; and
Further amend said bill, Page 66, Section 238.232, Lines 1 through 27, by deleting all of said section 238.232; and
Further amend said bill, Page 67, Section 238.235, Lines 1 through 245, by deleting all of said section 238.235; and
Further amend said bill, Page 74, Section 238.237, Lines 1 through 26, by deleting all of said section 238.237; and
Further amend said bill, Page 74, Section 238.240, Lines 1 through 12, by deleting all of said section 238.240.

HOUSE AMENDMENT NO. 22

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 2, by inserting immediately after the number "30.765," the number "30.767,"; and

Further amend said bill, Page 1, In the Title, Line 5, by inserting immediately after the number "327.031," the numbers "348.015, 348.200,"; and

Further amend said bill, Page 1, In the Title, Line 8, by inserting immediately after the number "178.895," the number "348.075,"; and

Further amend said bill, Page 1, In the Title, Line 10, by deleting the word "seventeen" and inserting in lieu thereof the word "thirty-six"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after the number "30.765," the number "30.767,"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting immediately after the number "327.031," the numbers "348.015, 348.200,"; and

Further amend said bill, Page 2, Section A, Line 7, by inserting immediately after the number "178.895," the number "348.075,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the word "seventeen" and inserting in lieu thereof the word "thirty-six"; and

Further amend said bill, Page 2, Section A, Line 9, by inserting immediately after the number "30.765," the following: "30.767, 30.800, 30.810, 30.820, 30.830, 30.840, 30.850,"; and

Further amend said bill, Page 2, Section A, Line 14, by inserting immediately after the number "327.031," the following: "348.015, 348.075, 348.200, 348.400, 348.403, 348.406, 348.407, 348.408, 348.409, 348.410, 348.412, 348.415,"; and

Further amend said bill, Page 2, Section 30.750, Lines 4 and 5, by deleting all of said lines and inserting in lieu

thereof the following:

"(2) "Eligible beginning farmer", [any farmer who qualifies as a beginning farmer for participation in federal tax-exempt financing,] **(a) for any beginning farmer who seeks to participate in the linked deposit program alone, a farmer who:**

a. Is a Missouri resident;

b. Wishes to borrow for a farm operation located in Missouri;

c. Is at least eighteen years old;

d. In the preceding five years has not owned, either directly or indirectly, farm land greater than thirty percent of the median size farm in the county where the proposed farm operation is located, or farm land with an appraised value greater than one hundred twenty-five thousand dollars; and

e. Has not been the sole farmer of land for more than ten years prior to the date of application of the proposed farm operation.

A farmer who qualifies as an eligible farmer under this provision may utilize the proceeds of a linked deposit loan to purchase agricultural land, farm buildings, new and used farm equipment, livestock and working capital;

(b) For any beginning farmer who is participating in both the linked deposit program and the beginning farmer loan program administered by the Missouri agriculture and small business development authority, a farmer who:

a. Qualifies under the definition of a beginning farmer utilized for eligibility for federal tax exempt financing, including the limitations on the use of loan proceeds; and

b. Meets all other requirements established by the Missouri agriculture and small business development authority;"; and

Further amend said bill, Page 6, Section 30.756, Line 16, by inserting immediately after the word "operation" an opening bracket "["; and

Further amend said bill, Page 6, Section 30.756, Line 17, by deleting the word "RSMo," and inserting in lieu thereof the word "RSMo]"; and

Further amend said bill, Page 6, Section 30.756, Line 20, by inserting immediately after the word "operation" an opening bracket "["; and

Further amend said bill, Page 6, Section 30.756, Line 22, by deleting all of said line and inserting in lieu thereof the following: "to 348.225, RSMo], eligible agribusiness or eligible small business. [No loan guaranteed under"; and

Further amend said bill, Page 6, Section 30.756, Line 25, by inserting immediately after the word "limit." a closing bracket "]""; and

Further amend said bill, Page 8, Section 30.758, Line 19, by deleting the word "year," and inserting in lieu thereof the word "year["; and

Further amend said bill, Page 8, Section 30.758, Line 22, by deleting the word "years." and inserting in lieu thereof the word "years]."; and

Further amend said bill, Page 11, Section 30.765, Line 13, by inserting after all of said line the following:

"30.767. The state treasurer shall not, after December 31, [2004] **2007**, invest in any linked deposit the value of

which is to be lent to a recipient other than an eligible water supply system or an eligible student borrower.

30.800. As used in sections 30.800 to 30.850, the following terms shall mean:

(1) "Eligible guaranteed agribusiness", a person, corporation or other business entity engaged in the processing or adding of value to agricultural products produced in Missouri, which is located in Missouri, and which has received a loan guarantee pursuant to the provisions of sections 348.400 to 348.415, RSMo;

(2) "Eligible guaranteed livestock operation", a person engaged in the production of livestock or poultry in Missouri in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo, who has received a single purpose animal facilities loan guarantee pursuant to the provisions of sections 348.185 to 348.225, RSMo.

30.810. Except for specific provisions to the contrary in sections 30.800 to 30.850, all definitions, requirements, responsibilities, rights, remedies and other matters set forth in sections 30.750 to 30.769 shall apply to linked deposits and linked deposit loans to eligible guaranteed agribusinesses and eligible guaranteed livestock operations.

30.820. A linked deposit loan to an eligible guaranteed agribusiness or an eligible guaranteed livestock operation may not exceed two hundred fifty thousand dollars, and no service of separate loans to such entities may be made which exceeds such limit.

30.830. The state treasurer may utilize up to thirty million dollars of the one hundred sixty-five million dollar linked deposit allocation for agriculture set forth in subsection 1 of section 30.753 for linked deposits for eligible guaranteed agribusinesses and eligible guaranteed livestock operations.

30.840. The state treasurer may renew a linked deposit for an eligible guaranteed agribusiness or an eligible guaranteed livestock operation for additional one-year terms, not to exceed ten years.

30.850. The proceeds of a linked deposit loan to an eligible guaranteed agribusiness or an eligible guaranteed livestock operation shall be used exclusively for necessary production expenses as set forth in subsection 2 of section 30.753."; and

Further amend said bill, Page 81, Section 327.031, Line 89, by inserting after all of said line the following:

"348.015. As used in sections 348.005 to [348.180] **348.225**, the following terms shall mean:

(1) "Agricultural development loan", a loan for the acquisition, construction, improvement, or rehabilitation of agricultural property;

(2) "Agricultural property", any land and easements and real and personal property, including, but not limited to, buildings, structures, improvements, equipment, and livestock, which is used or is to be used in Missouri by Missouri residents for:

(a) The operation of a farm or ranch;

(b) Planting, cultivating, or harvesting cereals, natural fibers, fruits, vegetables, or trees;

(c) Grazing, feeding, or the care of livestock, poultry, or fish;

(d) Dairy production;

(e) Storing, transporting, or processing farm and ranch products, including, without limitation, facilities such as grain elevators, cotton gins, shipping heads, livestock pens, warehouses, wharfs, docks, creameries, or feed plants; and

(f) Supplying and conserving water, draining or irrigating land, collecting, treating, and disposing of liquid and solid

waste, or controlling pollution, as needed for the operations set out in this subdivision;

(3) "Authority", the Missouri agricultural and small business development authority organized pursuant to the provisions of sections 348.005 to 348.180;

(4) "Bonds", any bonds, notes, debentures, interim certificates, bond, grant, or revenue anticipation notes, or any other evidences of indebtedness;

(5) "Borrower", any individual, partnership, corporation, **including a corporation or other entity organized pursuant to section 274.220, RSMo**, firm, cooperative, association, trust, estate, political subdivision, state agency, or other legal entity or its representative executing a note or other evidence of a loan;

(6) "Eligible borrower", a borrower qualifying for an agricultural development loan, a small business development loan, or a small business pollution control facility loan under such criteria and priorities as may be established in rules of the authority or in procedural manuals issued thereunder for the purpose of directing the use of available loan funds on the basis of need for and value of each loan for the maintenance of the agricultural economy or small business and on the meeting of pollution control objectives and assuring conformity with conditions established by insurers or guarantors of loans and the preservation of the security of bonds or notes issued to finance the loan;

(7) "Insurer" or "guarantor", the Farmers Home Administration of the Department of Agriculture of the United States, the United States Small Business Administration, or any other or successor agency or instrumentality of the United States having power, or any insurance company qualified under Missouri law, to insure or guarantee the payment of agricultural development loans, small business development loans, or small business pollution control facility loans and interest thereon, or any portion thereof;

(8) "Lender", any state or national bank, federal land bank, production credit association, bank for cooperatives, federal or state chartered savings and loan association or building and loan association or small business investment company that is subject to credit examination by an agency of the state or federal government, or any other lending institution approved by the insurer or guarantor of an agricultural development loan, small business development loan, or small business pollution control facility loan which undertakes to make or service such a loan;

(9) "Pollution", any form of environmental pollution including, but not limited to, water pollution, air pollution, land pollution, solid waste pollution, thermal pollution, radiation contamination, or noise pollution;

(10) "Pollution control facility" or "facilities", any land, interest in land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, or any combination thereof, and all real and personal property deemed necessary therewith, having to do with, or the end purpose of which is, reducing, controlling, or preventing pollution;

(11) "Small business", those enterprises which, at the time of their application to the authority, meet the criteria, as interpreted and applied by the authority, for definition as a "small business" established for the Small Business Administration and set forth in Section [121.3-10] **121.301** of Part 121 of Title 13 of the Code of Federal Regulations;

(12) "Small business development loan", a loan for the acquisition, construction, improvement, or rehabilitation of property owned or to be acquired by a small business as defined herein;

(13) "Small business pollution control facility loan", a loan for the acquisition, construction, improvement, or rehabilitation of a pollution control facility or facilities by a small business.

348.075. The authority shall have the power, as necessary or convenient to carry out and effectuate the purposes and provisions of sections 348.005 to 348.180[, to adopt, and from time to time amend and repeal, bylaws and rules not inconsistent with sections 348.005 to 348.180, to carry into effect the powers and purposes of the authority and the conduct of its business. No]. **Any** rule or portion of a rule promulgated under the authority of sections 348.005 to 348.180 shall become effective [unless it has been promulgated pursuant to the provisions of section 536.024, RSMo] **only if it has been promulgated in compliance with the provisions of chapter 536, RSMo, as it may be amended**

from time to time.

348.200. 1. There is hereby established in the state treasury the "Single-Purpose Animal Facilities Loan Guarantee Fund". The fund shall consist of money appropriated to it by the general assembly, charges, gifts, grants and bequests from federal, private or other sources. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund.

2. All moneys received by the authority for payments made on previously defaulted guaranteed loans shall be paid promptly into the state treasury and deposited in the fund.

3. The fund shall be administered by the Missouri agricultural and small business development authority organized pursuant to sections 348.005 to 348.180.

4. Beginning with fiscal year 1994-1995, the general assembly may appropriate moneys not to exceed [three] **four** million dollars for the establishment and initial funding of the single-purpose animal facilities loan guarantee fund.

348.400. As used in sections 348.400 to 348.415, the following terms mean:

(1) "Agricultural business development loan", a loan for the acquisition, construction, improvement, or rehabilitation of agricultural property;

(2) "Agricultural product", an agricultural, horticultural, viticultural, or vegetable product, growing of grapes that will be processed into wine, bees, honey, fish or other aquacultural product, planting seed, livestock, a livestock product, a forestry product, poultry or a poultry product, either in its natural or processed state, that has been produced, processed, or otherwise had value added to it in this state;

(3) "Agricultural property", any land and easements and real and personal property, including, but not limited to, buildings, structures, improvements, and equipment which is used in Missouri by Missouri residents or Missouri based businesses for the purpose of processing, manufacturing, marketing, exporting or adding value to an agricultural product;

(4) "Authority", the Missouri agricultural and small business development authority;

(5) "Eligible borrower", as defined in section 348.015;

(6) "Eligible lender", as defined in section 348.015;

(7) "Fund", the agricultural product utilization and business development loan guarantee fund or the agricultural product utilization;

(8) "Grant Fund" the agricultural product utilization grant fund;

(9) "Program fund", the agricultural product utilization and business development loan program fund.

348.403. 1. In addition to the duties and powers established in sections 348.005 to 348.225, the authority shall develop and implement an agricultural business development loan guarantee program as provided in sections 348.400 to 348.415. The authority shall promulgate only those rules that are necessary to carry out the stated purposes of sections 348.400 to 348.415. The rules promulgated pursuant to this section shall encourage maximum involvement and participation by lenders and financial institutions in the loan guarantee program. The authority shall implement the loan guarantee program, and may employ such persons as necessary, within the limits of appropriations for that purpose, to administer the loan guarantee program.

2. Any rule or portion of a rule promulgated pursuant to the authority of sections 348.400 to 348.415 shall become effective only if it has been promulgated in compliance with the provisions of chapter 536, RSMo, as it may be amended from time to time.

3. The authority may reject any application for guaranty pursuant to sections 348.400 to 348.415.

348.406. 1. The authority, upon application, may issue certificates of guaranty covering a first loss guarantee up to but not more than twenty-five percent of the loan on a declining principal basis for loans to eligible borrowers, executing a note or other evidence of a loan made for the purpose of an agricultural business development loan, but not to exceed the amount of two hundred fifty thousand dollars for any eligible borrower and to pay from the fund to an eligible lender up to twenty-five percent of the amount on a declining principal basis of any loss on any guaranteed loan made pursuant to the provisions of sections 348.400 to 348.415, in the event of default on the loan. Upon payment on the guarantee, the authority shall be subrogated to all the rights of the eligible lender.

2. The authority shall charge for each guaranteed loan a one-time participation fee of one percent which shall be collected by the eligible lender at the time of closing and paid to the authority. In addition, the authority may charge a special loan guarantee fee of up to one percent per annum of the outstanding principal which shall be collected from the eligible borrower by the eligible lender and paid to the authority. Amounts so collected shall be deposited in the program fund and used, upon appropriation, to pay the costs of administering the program.

3. All moneys paid to satisfy a defaulted guaranteed loan shall only be paid out of the fund.

4. The total outstanding guaranteed loans shall at no time exceed an amount which, according to sound actuarial judgment, would allow immediate redemption of forty percent of the outstanding loans guaranteed by the fund at any one time.

348.407. 1. The authority shall develop and implement agricultural products utilization grants as provided in this section.

2. The authority may reject any application for grants pursuant to this section.

3. The authority shall make grants from the grant fund to persons or entities whose projects add value to agricultural products and aid the economy of a rural community.

4. The authority may consider the following in making the decision:

(1) The applicant's commitment to the project through the applicant's risk;

(2) Community involvement and support;

(3) The phase the project is in on an annual basis;

(4) The leaders and consultants chosen to direct the project;

(5) The amount needed for the project to achieve the bankable stage; and

(6) The projects planning for long-term success through feasibility studies, marketing plans and business plans.

5. The authority may charge for each grant application a one-time fee not to exceed two hundred dollars to be paid to the authority at the time of application. Such moneys shall be deposited to the program fund.

348.408. 1. There is hereby established in the state treasury the "Agricultural Product Utilization Grant Fund". The fund shall consist of money appropriated to it by the general assembly, charges, gifts, grants, bequests from federal, private or other sources, and investment income on the fund. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund.

2. The fund shall be administered by the authority.

3. Beginning with fiscal year 1997-98, the general assembly may appropriate moneys not to exceed one and one-half million dollars for the establishment and initial funding of the fund. In any given year, at least one-third of the appropriation shall be awarded to grant requests of twenty-five thousand dollars or less. No single grant award shall exceed one hundred fifty thousand dollars.

4. Moneys in the fund may be invested by the state treasurer, and any income therefrom shall be deposited to the credit of the fund.

348.409. 1. There is hereby established in the state treasury the "Agricultural Product Utilization and Business Development Loan Guarantee Fund". The fund shall consist of money appropriated to it by the general assembly, charges, gifts, grants, bequests from federal, private or other sources, and investment income on the fund. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund.

2. All moneys received by the authority for payments made on previously defaulted guaranteed loans shall be paid promptly into the state treasury and deposited in the fund.

3. The fund shall be administered by the authority.

4. Beginning with fiscal year 1997-98, the general assembly may appropriate moneys not to exceed two and one-half million dollars for the establishment and initial funding of the fund.

5. Moneys in the fund, both unobligated and obligated as a reserve, which in the judgment of the authority are not currently needed for payments of defaults of guaranteed loans, may be invested by the state treasurer, and any income therefrom shall be deposited to the credit of the fund.

348.410. 1. There is hereby created in the state treasury the "Agricultural Product Utilization Business Development Loan Program Fund". The fund shall consist of money collected by the authority and transmitted to the department of revenue and deposited pursuant to subsection 2 of section 348.406 and subsection 7 of section 348.407. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund. The money in the program fund shall be used, upon appropriation, for administration of the program established pursuant to sections 348.400 to 348.415 and for no other purpose. Moneys necessary for the startup of this program may be transferred to this program fund from the fund established pursuant to sections 348.408 and 348.409.

2. For purposes of this section, the department shall, as part of the program administration, establish market promotion activities that assist grant recipients and loan applicants in the planning and marketing of value-added products. The department is specifically authorized to employ qualified individuals to fulfill such duties.

348.412. 1. Eligible borrowers:

(1) Shall use the proceeds of the agricultural business development loan to acquire agricultural property; and

(2) May not finance more than ninety percent of the anticipated cost of the project through the agricultural business development loan.

2. The project shall have opportunities to succeed in the development, expansion and operation of businesses involved in adding value to, marketing, exporting, processing, or manufacturing agricultural products that will benefit the state economically and socially through direct or indirect job creation or job retention.

3. The authority shall promulgate rules establishing eligibility pursuant to the provisions of sections 348.400 to 348.415, taking into consideration:

(1) The eligible borrower's ability to repay the agricultural business development loan;

- (2) The general economic conditions of the area in which the agricultural property will be located;
- (3) The prospect of success of the particular project for which the loan is sought; and
- (4) Such other factors as the authority may establish.

4. The authority may promulgate rules to provide for:

- (1) The requirement or nonrequirement of security or endorsement and the nature thereof;
- (2) The manner and time or repayment of the principal and interest;
- (3) The maximum rate of interest;
- (4) The right of the eligible borrower to accelerate payments without penalty;
- (5) The amount of the guaranty charge;
- (6) The effective period of the guaranty;
- (7) The percent of the agricultural business development loan, not to exceed twenty-five percent, covered by the guaranty;
- (8) The assignability of agricultural business development loans by the eligible lender;
- (9) Procedures in the event of default on an agricultural business development loan;
- (10) The due diligence effort on the part of eligible lenders for collection of guaranteed loans;
- (11) Collection assistance to be provided to eligible lenders; and
- (12) The extension of the guaranty in consideration of duty in the armed forces, unemployment, natural disasters, or other hardships.

348.415. The authority, by rule, shall determine the policy of collections and recovery of agricultural business development loans, including the use of private collection agencies. The authority may institute action to recover any amount due the state in any loan transaction, use private collection agencies, or otherwise carry out the policy of the authority. The eligible lender making the original loan shall cooperate with the authority in the collection of the agricultural business development loan and shall use its regular collection procedures before any action taken by the authority."

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 10, by deleting the word "seventeen" and inserting in lieu thereof the word "thirty-six"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the word "seventeen" and inserting in lieu thereof the word "thirty-six"; and

Further amend said bill, Page 2, Section A, Line 17, by deleting "and 48" and inserting in lieu thereof the following: ", 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67"; and

Further amend said bill, Page 124, Section 48, Line 1, by inserting after all of said line the following:

"Section 49. 1. Nonprofit, membership corporations may be organized under sections 49 to 66 of this act for the purpose of supplying water and waste water disposal and treatment services within the state of Missouri.

Corporations which become subject to sections 49 to 66 of this act in the manner herein provided are herein referred to as "nonprofit sewer companies". Five or more persons may organize a nonprofit sewer company pursuant to sections 49 to 66 of this act.

2. The articles of incorporation of a nonprofit sewer company shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act, shall be signed and acknowledged in duplicate by at least five of the incorporators and shall state:

- (1) The name of the company;**
- (2) The address of its principal office;**
- (3) The names and addresses of the incorporators;**
- (4) The number of years the company is to continue, which may be any number including perpetuity;**
- (5) The names and addresses of the persons who shall constitute its first board of directors;**

(6) Whether the company chooses to operate under the provisions of chapter 347, RSMo, or chapter 355, RSMo; and

(7) Any provisions not inconsistent with sections 49 to 66 of this act deemed necessary or advisable for the conduct of its business and affair. Such articles of incorporation shall be submitted to the secretary of state for filing.

Section 50. Any corporation organized under the laws of this state for the purpose, among others, of supplying water, waste water disposal, or waste water treatment may be converted into a nonprofit sewer company and become subject to sections 49 to 66 of this act with the same effect as if originally organized under sections 49 to 66 of this act by complying with the following requirements:

(1) The proposition for the conversion of such corporation into a nonprofit sewer company and proposed articles of conversion to give effect thereto shall be first approved by the board of trustees or the board of directors, as the case may be, of such corporation. The proposed articles of conversion shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act and shall state:

- (a) The name of the corporation prior to its conversion into a nonprofit sewer company;**
- (b) The address of the principal office of such corporation;**
- (c) The date of the filing of the articles of incorporation of such corporation in the office of the secretary of state;**
- (d) The statute or statutes under which such corporation was organized;**
- (e) The name assumed by such corporation;**
- (f) A statement that such corporation elects to become a nonprofit, membership corporation subject to sections 49 to 66 of this act;**
- (g) The manner and basis of converting either memberships in or shares of stock of such corporation into memberships therein after completion of the conversion; and**
- (h) Any provisions not inconsistent with sections 49 to 66 of this act deemed necessary or advisable for the conduct of the business and affairs of such corporation.**

(2) The proposition for the conversion of such corporation into a nonprofit sewer company and the proposed

articles of conversion approved by the board of trustees or board of directors, as the case may be, of such corporation shall then be submitted to a vote of the members or stockholders, as the case may be, of such corporation at any duly held annual or special meeting thereof, the notice of which shall set forth full particulars concerning the proposed conversion. The proposition for the conversion of such corporation into a nonprofit sewer company and the proposed articles of conversion, with such amendments thereto as the members or stockholders of such corporation shall choose to make, shall be deemed to be approved upon the affirmative vote of not less than a majority of the members of such corporation, or, if such corporation is a stock corporation, upon the affirmative vote of the holders of not less than a majority of the capital stock of such corporation.

(3) Upon such approval by the members or stockholders of such corporation, articles of conversion in the form approved by such members or stockholders shall be executed and acknowledged in duplicate on behalf of such corporation by its president or vice president and its corporate seal shall be affixed thereto and attested by its secretary. The president or vice president executing such articles of conversion on behalf of such corporation shall also make and annex to each copy thereof an affidavit stating that the provisions of sections 49 to 66 of this act with respect to the approval of its trustees or directors and its members or stockholders, of the proposition for the conversion of such corporation into a nonprofit sewer company and such articles of conversion were duly complied with. Such articles of conversion and affidavit shall be submitted to the secretary of state for filing as provided in sections 49 to 66 of this act. The term "articles of incorporation" as used in sections 49 to 66 of this act shall be deemed to include the articles of conversion of a converted corporation.

Section 51. A nonprofit sewer company shall have power:

(1) To sue and be sued, in its corporate name;

(2) To have succession by its corporate name for the period stated in its articles of incorporation or, if no period is stated in its articles of incorporation, to have such succession perpetually;

(3) To adopt a corporate seal and alter the same at pleasure;

(4) To provide water, waste water disposal and waste water treatment services to its members, to governmental agencies and political subdivisions;

(5) To make loans to persons to whom water, waste water disposal or waste water treatment is or will be supplied by the company for the purpose of, and otherwise to assist such persons in, installing therein plumbing fixtures, appliances, apparatus and equipment of any and all kinds and character, and in connection therewith, to purchase, acquire, lease, sell, distribute, install and repair such plumbing fixtures, appliances, apparatus and equipment, and to accept or otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and otherwise dispose of notes, bonds and other evidences of indebtedness and any and all types of security therefor;

(6) To make loans to persons to whom water, waste water disposal or waste water treatment is or will be supplied by the company for the purpose of, and otherwise to assist such persons in, constructing, maintaining and operating commercial or industrial plants or facilities;

(7) To construct, purchase, take, receive, lease as lessee, or otherwise acquire, and to own, hold, use, equip, maintain, and operate, and to sell, assign, transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, water or waste water provision or collection or treatment systems, plants, lands, buildings, structures, dams, and equipment, and any and all kinds and classes of real or personal property whatsoever, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the company is organized;

(8) To purchase or otherwise acquire, and to own, hold, use and exercise and to sell, assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise dispose of or encumber, franchises, rights, privileges, licenses, rights-of-way and easements;

(9) To borrow money and otherwise contract indebtedness, and to issue notes, bonds, and other evidences of

indebtedness therefor, and to secure the payment thereof by mortgage, pledge, deed of trust, or any other encumbrance upon any or all of its then-owned or after-acquired real or personal property, assets, franchises, revenues or income;

(10) To construct, maintain and operate water and waste water distribution and collection and treatment plants and lines along, upon, under and across all public thoroughfares, including without limitation, all roads, highways, streets, alleys, bridges and causeways, and upon, under and across all publicly owned lands;

(11) To exercise the power of eminent domain in the manner provided by the laws of this state for the exercise of that power by corporations constructing or operating electric transmission and distribution lines or systems;

(12) To conduct its business and exercise any or all of its powers within or without this state;

(13) To adopt, amend and repeal bylaws; and

(14) To do and perform any and all other acts and things, and to have and exercise any and all other powers which may be necessary, convenient or appropriate to accomplish the purpose for which the company is organized.

Section 52. A company may amend its articles of incorporation by complying with the following requirements:

(1) The proposed amendment shall be first approved by the board of directors and shall then be submitted to a vote of the members at any annual or special meeting thereof, the notice of which shall set forth the proposed amendment. The proposed amendment, with such changes as the members shall choose to make therein, shall be deemed to be approved on the affirmative vote of not less than two-thirds of those members voting thereon at such meeting; and

(2) (a) Upon such approval by the members, articles of amendment shall be executed and acknowledged in duplicate on behalf of the company by its president or vice president and its corporate seal shall be affixed thereto and attested by its secretary. The articles of amendment shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act and shall state:

a. The name of the company;

b. The address of its principal office;

c. The date of the filing of its articles of incorporation in the office of the secretary of state; and

d. The amendment to its articles of incorporation;

(b) The president or vice president executing such articles of amendment shall also make and annex to each copy thereof an affidavit stating that the provisions of sections 49 to 66 of this act were duly complied with;

(c) Such articles of amendment and affidavit shall be submitted to the secretary of state for filing.

Section 53. A company may, upon authorization of a majority of the members at any regular or special meeting, change the location of its principal office by filing a certificate of change of principal office, executed and acknowledged in duplicate by its president or vice president under its seal attested by its secretary, in the office of the secretary of state. Such company shall also, within thirty days after the filing of such certificate of change of principal office, file certified copies of its articles of incorporation and all amendments thereto, if the same are not already on file.

Section 54. 1. Articles of incorporation, amendment, consolidation, merger, conversion, or dissolution, as the case may be, when executed and acknowledged in duplicate and accompanied by such affidavits as may be required by applicable provisions of sections 49 to 66 of this act, shall be presented to the secretary of state for

filing in the records of his office.

2. If the secretary of state shall find that the articles presented conform to the requirements of sections 49 to 66 of this act, he shall file one copy of the articles so presented in the records of his office and upon such filing the incorporation, amendment, consolidation, merger, conversion, or dissolution provided for therein shall be in effect.

Section 55. The provisions of the securities law of Missouri shall not apply to any note, bond or other evidence of indebtedness issued by any nonprofit sewer company transacting business in this state pursuant to sections 49 to 66 of this act to the United States of America or to any agency or instrumentality thereof, or to any mortgage or deed of trust executed to secure the same. The provisions of such securities law of Missouri shall not apply to the issuance of membership certificates by any nonprofit sewer company.

Section 56. 1. No person shall become a member of a nonprofit sewer company unless such person shall agree to use water or services furnished by the company when such shall be available through its facilities. The bylaws of a company may provide that any person, including an incorporator, shall cease to be a member thereof if such person shall fail or refuse to use water or services made available by the company or if water or services shall not be made available to such person by the company within a specified time after such person shall have become a member thereof. Membership in the company shall not be transferable, except as provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in respect of membership.

2. An annual meeting of the members shall be held at such time as shall be provided in the bylaws.

3. Special meetings of the members may be called by the board of directors, by any three directors, by not less than ten percent of the members or by the president.

4. Meetings of members shall be held at such place as may be provided in the bylaws. In the absence of any such provisions, all meetings shall be held in the city or town in which the principal office of the company is located.

5. Except as otherwise provided in sections 49 to 66 of this act, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than ten nor more than twenty-five days before the date of the meeting.

6. Two percent of the members, present in person or by mail or proxy shall constitute a quorum for the transaction of business at all meetings of the members, unless the bylaws prescribe the presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice.

7. Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting shall be in person, but, if the bylaws so provide, may also be by proxy or by mail, or both. If the bylaws provide for voting by proxy or by mail, they shall also prescribe the conditions under which proxy or mail voting shall be exercised.

Section 57. Notwithstanding any other provision of law, the bylaws may provide that the territory in which a company supplies water and waste water services may be divided into two or more voting districts for the purpose of properly distributing its directors over the area in which its members reside. In such case the bylaws shall prescribe the manner in which such voting districts shall function in the election of directors at annual meetings.

Section 58. 1. The business and affairs of a company shall be managed by a board of not less than five directors, each of whom shall be a member of the company. The bylaws shall prescribe the number of directors, their qualifications, other than those provided for in sections 49 to 66 of this act, the manner of holding meetings of the board of directors and of the election of successors to directors who shall resign, die, or otherwise be incapable of acting. The bylaws may also provide for the removal of directors from office and for the election of

their successors. Without approval of the members, directors shall not receive any salaries for their services as directors. The bylaws may, however, provide that a fixed fee and expenses of attendance, if any, may be allowed to each director for attendance at each meeting of the board of directors.

2. The directors of a company named in any articles of incorporation, consolidation, merger or conversion, as the case may be, shall hold office until the next following annual meeting of the members or until their successors shall have been elected and qualified.

3. The bylaws shall provide that the directors shall be divided into three classes, each class to be as nearly equal in number as possible, with the term of office of the directors of the first class to expire at the next succeeding annual meeting and the term of the second class to expire at the second succeeding annual meeting, and the term of the third class to expire at the third succeeding annual meeting. At each annual meeting after such classification a number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the third succeeding annual meeting.

4. A majority of the board of directors shall constitute a quorum.

5. The board of directors may exercise all of the powers of a company except such as are conferred upon the members by sections 49 to 66 of this act, or its articles of incorporation or bylaws. Nothing in sections 49 to 66 of this act shall be deemed to prohibit a nonprofit sewer company from contracting with any other person or entity for any services needed by the nonprofit sewer company including, but not limited to, management or operations services.

Section 59. The officers of a nonprofit sewer company shall consist of a president, vice president, secretary and treasurer, who shall be elected annually. No person shall continue to hold the offices of president or vice president after he shall have ceased to be a director. The offices of secretary and of treasurer may be held by the same person and need not be a member of the board of directors. The board of directors may also elect or appoint such other officers, agents, or employees as it shall deem necessary or advisable and shall prescribe the powers and duties thereof. Any officer may be removed from office and his successor elected in the manner prescribed in the bylaws.

Section 60. 1. Every nonprofit sewer company constructing, maintaining and operating its water and waste water lines and treatment facilities shall construct, maintain and operate such lines and facilities in conformity with the rules and regulations relating to the manner and methods of construction, maintenance and operation and as to safety of the public with other lines and facilities now or hereafter from time to time prescribed by the department of natural resources for the construction, maintenance and operation of such lines or systems. The jurisdiction, supervision, powers and duties of the department of natural resources shall extend to every such nonprofit sewer company so far as it concerns the construction, maintenance and operation of the physical equipment of such company to the extent of providing for the safety of the public and the elimination or lessening of environmental hazards and of providing for the safety of employees and the general public.

2. The public service commission shall not have jurisdiction over the construction, maintenance or operation of the water and waste water facilities, service, rates, financing, accounting or management of any nonprofit sewer company.

Section 61. Revenues of a nonprofit sewer company for any fiscal year in excess of the amount thereof necessary:

(1) To defray expenses of the company and of the operation and maintenance of its facilities during such fiscal year;

(2) To pay interest and principal obligations of the company coming due in such fiscal year;

(3) To finance, or to provide a reserve for the financing of, the construction or acquisition by the company of additional facilities to the extent determined by the board of directors;

(4) To provide a reasonable reserve for working capital;

(5) To provide a reserve for the payment of indebtedness of the company maturing more than one year after the date of the incurrence of such indebtedness in an amount not less than the total of the interest and principal payments in respect thereof required to be made during the next following fiscal year; and

(6) To provide a fund for education in the effective use of services made available by the company;

shall, unless otherwise determined by a vote of the members, be distributed by the company to its members as patronage refunds prorated in accordance with the patronage of the company by the respective members paid for during such fiscal year.

Section 62. Nothing herein contained shall be construed to prohibit the payment by a company of all or any part of its indebtedness prior to the date when the same shall become due.

Section 63. 1. A nonprofit sewer company which has not commenced business may dissolve voluntarily by delivering to the secretary of state articles of dissolution, executed and acknowledged in duplicate on behalf of the company by a majority of the incorporators, which shall state:

(1) The name of the nonprofit sewer company;

(2) The address of its principal office;

(3) The date of its incorporation;

(4) That the company has not commenced business;

(5) That the amount, if any, actually paid in on account of membership fees, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto and that all easements shall have been released to the grantors;

(6) That no debt of the company remains unpaid; and

(7) That a majority of the incorporators elect that the company be dissolved.

2. Such articles of dissolution shall be submitted to the secretary of state for filing.

Section 64. A nonprofit sewer company which has commenced business may dissolve voluntarily and wind up its affairs in the following manner:

(1) The board of directors shall first recommend that the company be dissolved voluntarily and thereafter the proposition that the company be dissolved shall be submitted to the members of the company at any annual or special meeting, the notice of which shall set forth such proposition. The proposed voluntary dissolution shall be deemed to be approved upon the affirmative vote of not less than a majority of the members;

(2) Upon such approval, a certificate of election to dissolve, herein designated the "certificate", shall be executed and acknowledged in duplicate on behalf of the company by its president or vice president, and its corporate seal shall be affixed thereto and attested by its secretary. The certificate shall state:

(a) The name of the nonprofit sewer company;

(b) The address of its principal office;

(c) The names and addresses of its directors; and

(d) The total number of members of the company and the number of members who voted for and against the voluntary dissolution of the company.

The president or vice president executing the certificate shall also make and annex thereto an affidavit stating that the provisions of this subdivision and subdivision (1) of this section were duly complied with. Such certificate and affidavit shall be submitted to the secretary of state for filing;

(3) Upon the filing of the certificate and affidavit by the secretary of state, the company shall cease to carry on its business except insofar as may be necessary for the winding up thereof, but its corporate existence shall continue until articles of dissolution have been filed by the secretary of state;

(4) After the filing of the certificate and affidavit by the secretary of state the board of directors shall immediately cause notice of the winding up proceedings to be mailed to each known creditor and claimant and to be published once a week for two successive weeks in a newspaper of general circulation in the county in which the principal office of the company is located;

(5) The board of directors shall become trustees and have full power to wind up and settle the affairs of the company and shall proceed to collect the debts owing to the company, convey and dispose of its property and assets, pay, satisfy, and discharge its debts, obligations, and liabilities, and do all other things required to liquidate its business and affairs, and after paying or adequately providing for the payment of all its debts, obligations and liabilities, shall distribute the remainder of its property and assets among its members in proportion to the aggregate patronage of each such member during the seven years next preceding the date of such filing of the certificate, or, if the company shall not have been in existence for such period, during the period of its existence; and

(6) (a) When all debts, liabilities and obligations of the company have been paid and discharged or adequate provision shall have been made therefor, and all of the remaining property and assets of the company shall have been distributed to the members pursuant to the provisions of sections 49 to 66 of this act, the board of directors shall authorize the execution of articles of dissolution which shall thereupon be executed and acknowledged on behalf of the company by its president or vice president, and its corporate seal shall be affixed thereto and attested by its secretary. Such articles of dissolution shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act and shall state:

a. The name of the nonprofit sewer company;

b. The address of the principal office of the company;

c. That the company has heretofore delivered to the secretary of state a certificate of election to dissolve and the date on which the certificate was filed by the secretary of state in the records of his office;

d. That all debts, obligations and liabilities of the company have been paid and discharged or that adequate provision has been made therefor;

e. That all the remaining property and assets of the company have been distributed among the members in accordance with the provisions of sections 49 to 66 of this act; and

f. That there are no actions or suits pending against the company;

(b) The president or vice president executing the articles of dissolution shall also make and annex thereto an affidavit stating that the provisions of this section were duly complied with;

(c) Such articles of dissolution and affidavit, accompanied by proof of the publication required in this section, shall be submitted to the secretary of state for filing.

Section 65. Sections 49 to 66 of this act shall be construed liberally. The enumeration of any object, purpose,

power, manner, method or thing shall not be deemed to exclude like or similar objects, purposes, powers, manners, methods or things. To the extent that sections 49 to 66 of this act does not speak to an issue, the provisions applicable to mutual benefit not for profit corporations or limited liability companies, as the nonprofit sewer company may elect in its articles of incorporation, which are not inconsistent with the provisions of sections 49 to 66 of this act shall apply to nonprofit sewer companies.

Section 66. The private property of the members of a nonprofit sewer company shall be exempt from execution for the debts of the company and no member shall be liable or responsible for any debts of the company.

Section 67. 1. Any entity authorized by law to engage in the business of offering waste water disposal or treatment services may apply to the department of natural resources to be designated as the sole regional or watershed supplier of such services.

2. The application to be designated as a regional or watershed supplier shall be on a form as developed by the department and shall at a minimum provide the following information:

(1) The region or watershed for which the applicant intends to provide service defined on a meets and bounds basis;

(2) The documents such as contracts, articles of incorporation, limited liability company forms or municipal ordinances which define the applicant's existence, ownership and management;

(3) Information as to the applicant's financial assets including balance sheet income statements for the previous five years or, if less than five years, income statements for the applicant's entire history;

(4) A description of the facilities owned or operated by the applicant;

(5) A business plan describing how and why the proposed region or watershed was selected and the applicant's plans for providing collection and treatment services in the requested area;

(6) A commitment by the applicant to provide area coverage for the entire area covered by the application and the applicant's plan for how to provide such services;

(7) A description of the services to be provided by the applicant to the region or watershed and the prices to be charged by the applicant;

(8) A description of the standards that the applicant will require of other entities that will wish to connect with the applicant's collection and treatment systems.

3. Once a regional or watershed provider of waste water collection and treatment is approved by the department, no other person or entity may construct or operate collection or treatment facilities within the designated region or watershed except pursuant to the approved regional or watershed plan.

4. The department of natural resources shall give preference to regional or watershed providers in all of its licensing, permitting, and administration of loan and grant funds functions.

5. In evaluating among competing applicants to be a regional or watershed provider, the department shall give preference to those providers most likely to provide a stable, long-term solution without regard to the type of entity the applicant may be. Joint applications from existing providers of waste water collection and treatment services within the region or watershed shall be given preference.

6. Pricing of services by regional or watershed providers shall be set by such provider in the same manner the provider sets all other rates and charges and shall be on a nondiscriminatory basis with each user bearing its fair share of the costs of providing service to that user. Governmental entities shall charge no more for the same or

similar services provided to users outside their boundaries than the entity charges to its citizens. Nonprofit sewer companies shall not charge nonmembers a higher rate than members for the same or similar services. Private sewer companies shall charge such rates as are approved pursuant to applicable law."

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 10, by deleting the word "seventeen" and inserting in lieu thereof the word "thirty-six"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the word "seventeen" and inserting in lieu thereof the word "thirty-six"; and

Further amend said bill, Page 2, Section A, Line 17, by deleting "and 48" and inserting in lieu thereof the following: ", 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67"; and

Further amend said bill, Page 124, Section 48, Line 1, by inserting after all of said line the following:

"Section 49. 1. Nonprofit, membership corporations may be organized under sections 49 to 66 of this act for the purpose of supplying water and waste water disposal and treatment services within the state of Missouri. Corporations which become subject to sections 49 to 66 of this act in the manner herein provided are herein referred to as "nonprofit sewer companies". Five or more persons may organize a nonprofit sewer company pursuant to sections 49 to 66 of this act.

2. The articles of incorporation of a nonprofit sewer company shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act, shall be signed and acknowledged in duplicate by at least five of the incorporators and shall state:

- (1) The name of the company;**
- (2) The address of its principal office;**
- (3) The names and addresses of the incorporators;**
- (4) The number of years the company is to continue, which may be any number including perpetuity;**
- (5) The names and addresses of the persons who shall constitute its first board of directors;**
- (6) Whether the company chooses to operate under the provisions of chapter 347, RSMo, or chapter 355, RSMo; and**
- (7) Any provisions not inconsistent with sections 49 to 66 of this act deemed necessary or advisable for the conduct of its business and affair. Such articles of incorporation shall be submitted to the secretary of state for filing.**

Section 50. Any corporation organized under the laws of this state for the purpose, among others, of supplying water, waste water disposal, or waste water treatment may be converted into a nonprofit sewer company and become subject to sections 49 to 66 of this act with the same effect as if originally organized under sections 49 to 66 of this act by complying with the following requirements:

- (1) The proposition for the conversion of such corporation into a nonprofit sewer company and proposed articles of conversion to give effect thereto shall be first approved by the board of trustees or the board of directors, as the case may be, of such corporation. The proposed articles of conversion shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act and shall state:**

- (a) The name of the corporation prior to its conversion into a nonprofit sewer company;**
- (b) The address of the principal office of such corporation;**
- (c) The date of the filing of the articles of incorporation of such corporation in the office of the secretary of state;**
- (d) The statute or statutes under which such corporation was organized;**
- (e) The name assumed by such corporation;**
- (f) A statement that such corporation elects to become a nonprofit, membership corporation subject to sections 49 to 66 of this act;**
- (g) The manner and basis of converting either memberships in or shares of stock of such corporation into memberships therein after completion of the conversion; and**
- (h) Any provisions not inconsistent with sections 49 to 66 of this act deemed necessary or advisable for the conduct of the business and affairs of such corporation.**

(2) The proposition for the conversion of such corporation into a nonprofit sewer company and the proposed articles of conversion approved by the board of trustees or board of directors, as the case may be, of such corporation shall then be submitted to a vote of the members or stockholders, as the case may be, of such corporation at any duly held annual or special meeting thereof, the notice of which shall set forth full particulars concerning the proposed conversion. The proposition for the conversion of such corporation into a nonprofit sewer company and the proposed articles of conversion, with such amendments thereto as the members or stockholders of such corporation shall choose to make, shall be deemed to be approved upon the affirmative vote of not less than a majority of the members of such corporation, or, if such corporation is a stock corporation, upon the affirmative vote of the holders of not less than a majority of the capital stock of such corporation.

(3) Upon such approval by the members or stockholders of such corporation, articles of conversion in the form approved by such members or stockholders shall be executed and acknowledged in duplicate on behalf of such corporation by its president or vice president and its corporate seal shall be affixed thereto and attested by its secretary. The president or vice president executing such articles of conversion on behalf of such corporation shall also make and annex to each copy thereof an affidavit stating that the provisions of sections 49 to 66 of this act with respect to the approval of its trustees or directors and its members or stockholders, of the proposition for the conversion of such corporation into a nonprofit sewer company and such articles of conversion were duly complied with. Such articles of conversion and affidavit shall be submitted to the secretary of state for filing as provided in sections 49 to 66 of this act. The term "articles of incorporation" as used in sections 49 to 66 of this act shall be deemed to include the articles of conversion of a converted corporation.

Section 51. A nonprofit sewer company shall have power:

- (1) To sue and be sued, in its corporate name;**
- (2) To have succession by its corporate name for the period stated in its articles of incorporation or, if no period is stated in its articles of incorporation, to have such succession perpetually;**
- (3) To adopt a corporate seal and alter the same at pleasure;**
- (4) To provide water, waste water disposal and waste water treatment services to its members, to governmental agencies and political subdivisions, and to other persons;**
- (5) To make loans to persons to whom water, waste water disposal or waste water treatment is or will be supplied by the company for the purpose of, and otherwise to assist such persons in, installing therein plumbing**

fixtures, appliances, apparatus and equipment of any and all kinds and character, and in connection therewith, to purchase, acquire, lease, sell, distribute, install and repair such plumbing fixtures, appliances, apparatus and equipment, and to accept or otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and otherwise dispose of notes, bonds and other evidences of indebtedness and any and all types of security therefor;

(6) To make loans to persons to whom water, waste water disposal or waste water treatment is or will be supplied by the company for the purpose of, and otherwise to assist such persons in, constructing, maintaining and operating commercial or industrial plants or facilities;

(7) To construct, purchase, take, receive, lease as lessee, or otherwise acquire, and to own, hold, use, equip, maintain, and operate, and to sell, assign, transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, water or waste water provision or collection or treatment systems, plants, lands, buildings, structures, dams, and equipment, and any and all kinds and classes of real or personal property whatsoever, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the company is organized;

(8) To purchase or otherwise acquire, and to own, hold, use and exercise and to sell, assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise dispose of or encumber, franchises, rights, privileges, licenses, rights-of-way and easements;

(9) To borrow money and otherwise contract indebtedness, and to issue notes, bonds, and other evidences of indebtedness therefor, and to secure the payment thereof by mortgage, pledge, deed of trust, or any other encumbrance upon any or all of its then-owned or after-acquired real or personal property, assets, franchises, revenues or income;

(10) To construct, maintain and operate water and waste water distribution and collection and treatment plants and lines along, upon, under and across all public thoroughfares, including without limitation, all roads, highways, streets, alleys, bridges and causeways, and upon, under and across all publicly owned lands;

(11) To exercise the power of eminent domain in the manner provided by the laws of this state for the exercise of that power by corporations constructing or operating electric transmission and distribution lines or systems;

(12) To conduct its business and exercise any or all of its powers within or without this state;

(13) To adopt, amend and repeal bylaws; and

(14) To do and perform any and all other acts and things, and to have and exercise any and all other powers which may be necessary, convenient or appropriate to accomplish the purpose for which the company is organized.

Section 52. A company may amend its articles of incorporation by complying with the following requirements:

(1) The proposed amendment shall be first approved by the board of directors and shall then be submitted to a vote of the members at any annual or special meeting thereof, the notice of which shall set forth the proposed amendment. The proposed amendment, with such changes as the members shall choose to make therein, shall be deemed to be approved on the affirmative vote of not less than two-thirds of those members voting thereon at such meeting; and

(2) (a) Upon such approval by the members, articles of amendment shall be executed and acknowledged in duplicate on behalf of the company by its president or vice president and its corporate seal shall be affixed thereto and attested by its secretary. The articles of amendment shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act and shall state:

a. The name of the company;

b. The address of its principal office;

c. The date of the filing of its articles of incorporation in the office of the secretary of state; and

d. The amendment to its articles of incorporation;

(b) The president or vice president executing such articles of amendment shall also make and annex to each copy thereof an affidavit stating that the provisions of sections 49 to 66 of this act were duly complied with;

(c) Such articles of amendment and affidavit shall be submitted to the secretary of state for filing.

Section 53. A company may, upon authorization of a majority of the members at any regular or special meeting, change the location of its principal office by filing a certificate of change of principal office, executed and acknowledged in duplicate by its president or vice president under its seal attested by its secretary, in the office of the secretary of state. Such company shall also, within thirty days after the filing of such certificate of change of principal office, file certified copies of its articles of incorporation and all amendments thereto, if the same are not already on file.

Section 54. 1. Articles of incorporation, amendment, consolidation, merger, conversion, or dissolution, as the case may be, when executed and acknowledged in duplicate and accompanied by such affidavits as may be required by applicable provisions of sections 49 to 66 of this act, shall be presented to the secretary of state for filing in the records of his office.

2. If the secretary of state shall find that the articles presented conform to the requirements of sections 49 to 66 of this act, he shall file one copy of the articles so presented in the records of his office and upon such filing the incorporation, amendment, consolidation, merger, conversion, or dissolution provided for therein shall be in effect.

Section 55. The provisions of the securities law of Missouri shall not apply to any note, bond or other evidence of indebtedness issued by any nonprofit sewer company transacting business in this state pursuant to sections 49 to 66 of this act to the United States of America or to any agency or instrumentality thereof, or to any mortgage or deed of trust executed to secure the same. The provisions of such securities law of Missouri shall not apply to the issuance of membership certificates by any nonprofit sewer company.

Section 56. 1. No person shall become a member of a nonprofit sewer company unless such person shall agree to use water or services furnished by the company when such shall be available through its facilities. The bylaws of a company may provide that any person, including an incorporator, shall cease to be a member thereof if such person shall fail or refuse to use water or services made available by the company or if water or services shall not be made available to such person by the company within a specified time after such person shall have become a member thereof. Membership in the company shall not be transferable, except as provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in respect of membership.

2. An annual meeting of the members shall be held at such time as shall be provided in the bylaws.

3. Special meetings of the members may be called by the board of directors, by any three directors, by not less than ten percent of the members or by the president.

4. Meetings of members shall be held at such place as may be provided in the bylaws. In the absence of any such provisions, all meetings shall be held in the city or town in which the principal office of the company is located.

5. Except as otherwise provided in sections 49 to 66 of this act, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than ten nor more than twenty-five days before the date of the meeting.

6. Two percent of the members, present in person or by mail or proxy shall constitute a quorum for the transaction of business at all meetings of the members, unless the bylaws prescribe the presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice.

7. Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting shall be in person, but, if the bylaws so provide, may also be by proxy or by mail, or both. If the bylaws provide for voting by proxy or by mail, they shall also prescribe the conditions under which proxy or mail voting shall be exercised.

Section 57. Notwithstanding any other provision of law, the bylaws may provide that the territory in which a company supplies water and waste water services may be divided into two or more voting districts for the purpose of properly distributing its directors over the area in which its members reside. In such case the bylaws shall prescribe the manner in which such voting districts shall function in the election of directors at annual meetings.

Section 58. 1. The business and affairs of a company shall be managed by a board of not less than five directors, each of whom shall be a member of the company. The bylaws shall prescribe the number of directors, their qualifications, other than those provided for in sections 49 to 66 of this act, the manner of holding meetings of the board of directors and of the election of successors to directors who shall resign, die, or otherwise be incapable of acting. The bylaws may also provide for the removal of directors from office and for the election of their successors. Without approval of the members, directors shall not receive any salaries for their services as directors. The bylaws may, however, provide that a fixed fee and expenses of attendance, if any, may be allowed to each director for attendance at each meeting of the board of directors.

2. The directors of a company named in any articles of incorporation, consolidation, merger or conversion, as the case may be, shall hold office until the next following annual meeting of the members or until their successors shall have been elected and qualified.

3. The bylaws shall provide that the directors shall be divided into three classes, each class to be as nearly equal in number as possible, with the term of office of the directors of the first class to expire at the next succeeding annual meeting and the term of the second class to expire at the second succeeding annual meeting, and the term of the third class to expire at the third succeeding annual meeting. At each annual meeting after such classification a number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the third succeeding annual meeting.

4. A majority of the board of directors shall constitute a quorum.

5. The board of directors may exercise all of the powers of a company except such as are conferred upon the members by sections 49 to 66 of this act, or its articles of incorporation or bylaws. Nothing in sections 49 to 66 of this act shall be deemed to prohibit a nonprofit sewer company from contracting with any other person or entity for any services needed by the nonprofit sewer company including, but not limited to, management or operations services.

Section 59. The officers of a nonprofit sewer company shall consist of a president, vice president, secretary and treasurer, who shall be elected annually. No person shall continue to hold the offices of president or vice president after he shall have ceased to be a director. The offices of secretary and of treasurer may be held by the same person and need not be a member of the board of directors. The board of directors may also elect or appoint such other officers, agents, or employees as it shall deem necessary or advisable and shall prescribe the powers and duties thereof. Any officer may be removed from office and his successor elected in the manner prescribed in the bylaws.

Section 60. 1. Every nonprofit sewer company constructing, maintaining and operating its water and waste water lines and treatment facilities shall construct, maintain and operate such lines and facilities in conformity with the rules and regulations relating to the manner and methods of construction, maintenance and operation

and as to safety of the public with other lines and facilities now or hereafter from time to time prescribed by the department of natural resources for the construction, maintenance and operation of such lines or systems. The jurisdiction, supervision, powers and duties of the department of natural resources shall extend to every such nonprofit sewer company so far as it concerns the construction, maintenance and operation of the physical equipment of such company to the extent of providing for the safety of the public and the elimination or lessening of environmental hazards and of providing for the safety of employees and the general public.

2. The public service commission shall not have jurisdiction over the construction, maintenance or operation of the water and waste water facilities, service, rates, financing, accounting or management of any nonprofit sewer company.

Section 61. Revenues of a nonprofit sewer company for any fiscal year in excess of the amount thereof necessary:

(1) To defray expenses of the company and of the operation and maintenance of its facilities during such fiscal year;

(2) To pay interest and principal obligations of the company coming due in such fiscal year;

(3) To finance, or to provide a reserve for the financing of, the construction or acquisition by the company of additional facilities to the extent determined by the board of directors;

(4) To provide a reasonable reserve for working capital;

(5) To provide a reserve for the payment of indebtedness of the company maturing more than one year after the date of the incurrence of such indebtedness in an amount not less than the total of the interest and principal payments in respect thereof required to be made during the next following fiscal year; and

(6) To provide a fund for education in the effective use of services made available by the company;

shall, unless otherwise determined by a vote of the members, be distributed by the company to its members as patronage refunds prorated in accordance with the patronage of the company by the respective members paid for during such fiscal year.

Section 62. Nothing herein contained shall be construed to prohibit the payment by a company of all or any part of its indebtedness prior to the date when the same shall become due.

Section 63. 1. A nonprofit sewer company which has not commenced business may dissolve voluntarily by delivering to the secretary of state articles of dissolution, executed and acknowledged in duplicate on behalf of the company by a majority of the incorporators, which shall state:

(1) The name of the nonprofit sewer company;

(2) The address of its principal office;

(3) The date of its incorporation;

(4) That the company has not commenced business;

(5) That the amount, if any, actually paid in on account of membership fees, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto and that all easements shall have been released to the grantors;

(6) That no debt of the company remains unpaid; and

(7) That a majority of the incorporators elect that the company be dissolved.

2. Such articles of dissolution shall be submitted to the secretary of state for filing.

Section 64. A nonprofit sewer company which has commenced business may dissolve voluntarily and wind up its affairs in the following manner:

(1) The board of directors shall first recommend that the company be dissolved voluntarily and thereafter the proposition that the company be dissolved shall be submitted to the members of the company at any annual or special meeting, the notice of which shall set forth such proposition. The proposed voluntary dissolution shall be deemed to be approved upon the affirmative vote of not less than a majority of the members;

(2) Upon such approval, a certificate of election to dissolve, herein designated the "certificate", shall be executed and acknowledged in duplicate on behalf of the company by its president or vice president, and its corporate seal shall be affixed thereto and attested by its secretary. The certificate shall state:

(a) The name of the nonprofit sewer company;

(b) The address of its principal office;

(c) The names and addresses of its directors; and

(d) The total number of members of the company and the number of members who voted for and against the voluntary dissolution of the company.

The president or vice president executing the certificate shall also make and annex thereto an affidavit stating that the provisions of this subdivision and subdivision (1) of this section were duly complied with. Such certificate and affidavit shall be submitted to the secretary of state for filing;

(3) Upon the filing of the certificate and affidavit by the secretary of state, the company shall cease to carry on its business except insofar as may be necessary for the winding up thereof, but its corporate existence shall continue until articles of dissolution have been filed by the secretary of state;

(4) After the filing of the certificate and affidavit by the secretary of state the board of directors shall immediately cause notice of the winding up proceedings to be mailed to each known creditor and claimant and to be published once a week for two successive weeks in a newspaper of general circulation in the county in which the principal office of the company is located;

(5) The board of directors shall become trustees and have full power to wind up and settle the affairs of the company and shall proceed to collect the debts owing to the company, convey and dispose of its property and assets, pay, satisfy, and discharge its debts, obligations, and liabilities, and do all other things required to liquidate its business and affairs, and after paying or adequately providing for the payment of all its debts, obligations and liabilities, shall distribute the remainder of its property and assets among its members in proportion to the aggregate patronage of each such member during the seven years next preceding the date of such filing of the certificate, or, if the company shall not have been in existence for such period, during the period of its existence; and

(6) (a) When all debts, liabilities and obligations of the company have been paid and discharged or adequate provision shall have been made therefor, and all of the remaining property and assets of the company shall have been distributed to the members pursuant to the provisions of sections 49 to 66 of this act, the board of directors shall authorize the execution of articles of dissolution which shall thereupon be executed and acknowledged on behalf of the company by its president or vice president, and its corporate seal shall be affixed thereto and attested by its secretary. Such articles of dissolution shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act and shall state:

a. The name of the nonprofit sewer company;

b. The address of the principal office of the company;

c. That the company has heretofore delivered to the secretary of state a certificate of election to dissolve and the date on which the certificate was filed by the secretary of state in the records of his office;

d. That all debts, obligations and liabilities of the company have been paid and discharged or that adequate provision has been made therefor;

e. That all the remaining property and assets of the company have been distributed among the members in accordance with the provisions of sections 49 to 66 of this act; and

f. That there are no actions or suits pending against the company;

(b) The president or vice president executing the articles of dissolution shall also make and annex thereto an affidavit stating that the provisions of this section were duly complied with;

(c) Such articles of dissolution and affidavit, accompanied by proof of the publication required in this section, shall be submitted to the secretary of state for filing.

Section 65. Sections 49 to 66 of this act shall be construed liberally. The enumeration of any object, purpose, power, manner, method or thing shall not be deemed to exclude like or similar objects, purposes, powers, manners, methods or things. To the extent that sections 49 to 66 of this act does not speak to an issue, the provisions applicable to mutual benefit not for profit corporations or limited liability companies, as the nonprofit sewer company may elect in its articles of incorporation, which are not inconsistent with the provisions of sections 49 to 66 of this act shall apply to nonprofit sewer companies.

Section 66. The private property of the members of a nonprofit sewer company shall be exempt from execution for the debts of the company and no member shall be liable or responsible for any debts of the company.

Section 67. 1. Any entity authorized by law to engage in the business of offering waste water disposal or treatment services may apply to the department of natural resources to be designated as the sole regional or watershed supplier of such services.

2. The application to be designated as a regional or watershed supplier shall be on a form as developed by the department and shall at a minimum provide the following information:

(1) The region or watershed for which the applicant intends to provide service defined on a meets and bounds basis;

(2) The documents such as contracts, articles of incorporation, limited liability company forms or municipal ordinances which define the applicant's existence, ownership and management;

(3) Information as to the applicant's financial assets including balance sheet income statements for the previous five years or, if less than five years, income statements for the applicant's entire history;

(4) A description of the facilities owned or operated by the applicant;

(5) A business plan describing how and why the proposed region or watershed was selected and the applicant's plans for providing collection and treatment services in the requested area;

(6) A commitment by the applicant to provide area coverage for the entire area covered by the application and the applicant's plan for how to provide such services;

(7) A description of the services to be provided by the applicant to the region or watershed and the prices to be

charged by the applicant;

(8) A description of the standards that the applicant will require of other entities that will wish to connect with the applicant's collection and treatment systems.

3. Once a regional or watershed provider of waste water collection and treatment is approved by the department, no other person or entity may construct or operate collection or treatment facilities within the designated region or watershed except pursuant to the approved regional or watershed plan.

4. The department of natural resources shall give preference to regional or watershed providers in all of its licensing, permitting, and administration of loan and grant funds functions.

5. In evaluating among competing applicants to be a regional or watershed provider, the department shall give preference to those providers most likely to provide a stable, long-term solution without regard to the type of entity the applicant may be. Joint applications from existing providers of waste water collection and treatment services within the region or watershed shall be given preference.

6. Pricing of services by regional or watershed providers shall be set by such provider in the same manner the provider sets all other rates and charges and shall be on a nondiscriminatory basis with each user bearing its fair share of the costs of providing service to that user. Governmental entities shall charge no more for the same or similar services provided to users outside their boundaries than the entity charges to its citizens. Private sewer companies shall charge such rates as are approved pursuant to applicable law."

HOUSE AMENDMENT NO. 24

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 78, Section 305.230, Lines 64 through 70, by deleting all of said lines; and

Further amend said bill, Page 78, Section 305.230, Line 71, by deleting the figure "7." and inserting in lieu thereof the figure "6."

HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 21, Section 99.845, Lines 1 through 116, by deleting all of said lines and inserting in lieu thereof the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, **penalties and interest** levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) Payments in lieu of taxes, **and any applicable penalty and interest**, attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the

redevelopment project over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived **and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.** The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850[.];

(3) For purposes of this section, "levies upon real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied by article X, section 38(b) of the Missouri Constitution.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, **penalty and interest** imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding **sales and use taxes on motor vehicles, trailers, boats and outboard motors**, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, **taxes levied pursuant to section 70.500, RSMo**, licenses, fees or special assessments other than payments in lieu of taxes **and any penalty and interest thereon**, shall be allocated to, and paid by the collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, **penalty and interest** which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding **personal property taxes, sales and use taxes on motor vehicles, trailers, boats and outboard motors**, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, **taxes levied pursuant to section 70.500, RSMo**, licenses, **and** fees or special assessments [and personal property taxes], other than payments in lieu of taxes **and penalty and interest thereon**, shall be allocated to, and paid by the collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of new state revenues as defined in this section, reported by businesses within the redevelopment area as identified by the municipality over and above the amount of such taxes reported by businesses within the redevelopment area as identified by the municipality in the calendar year prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, shall be rebated to, and paid by the director of the department of revenue according to rules promulgated by the department, pursuant to section 536.024, RSMo, to the treasurer or other designated financial officer of the municipality who shall deposit such funds in a separate segregated account within the

special allocation fund established pursuant to section 99.805. For all redevelopment plans or projects adopted after the effective date of this act, new revenues from state taxes shall not be rebated or deposited into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs for twenty-three years following the adoption of the ordinance approving the redevelopment project. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

5. Subsection 4 of this section shall apply only to blighted areas located within state enterprise zones or federal empowerment zones which, at the time of the approval of the project by ordinance:

(1) Contained one or more buildings at least fifty years old; and

(2) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding their designation as a project area by ordinance; or

(3) Was an historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

6. The rebate of fifty percent of new state revenues authorized pursuant to subsection 4 of this section shall not be rebated by the department of revenue to a municipality until all of the following conditions have been satisfied:

(1) The department of economic development and the commissioner of administration have approved an application made to the department of economic development by the municipality for the rebate of new state revenues. For new projects approved after August 28, 1997, such application must be made at least one month prior to the adoption by the municipality of an ordinance approving a redevelopment project;

(2) The affidavit required by section 99.810 shall specify that the redevelopment area would not be reasonably anticipated to be developed without the rebate of the new state revenues. Such affidavit shall be signed by the developer or developers attesting that the provisions of subdivision (1) of section 99.810 have been met; and

(3) The cost-benefit analysis required by section 99.810 includes a fiscal impact study upon the state of Missouri.

7. In addition to those areas authorized in subsection 5 of this section, the rebate authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after the effective date of this act, and which are contained within a county of the first classification without a charter form of government which contains part of a city in excess of three hundred fifty thousand residents.

8. There is hereby established within the state treasury a special fund to be known as the "Missouri Tax Increment Financing Fund", to be administered by the department of revenue. The department shall annually credit to the Missouri tax increment financing fund the tax authorized under the provisions of subsection 4 of this section. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. Moneys in the Missouri tax increment financing fund shall be disbursed pursuant to appropriations by the general assembly. The department shall disburse such appropriated funds in a timely manner into the separate, segregated account as authorized by subsection 4 of this section. All moneys remaining in the Missouri tax increment financing fund at the end of the fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, RSMo, but shall remain in the Missouri tax increment financing fund."

HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 9, Section 99.845, Line 14, by deleting all of lines 14 and 15 and inserting in lieu thereof the following:

"government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants."

HOUSE AMENDMENT NO. 2 TO

HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 22, Section 99.845, Line 37, by inserting immediately after said line the following:

"(4) Beginning January 1, 1998, for purposes of this section "levies upon real property in such redevelopment project by taxing districts" shall not include the merchants and manufacturer's inventory replacement tax levied by Article X, section 6.2 of the Missouri Constitution."

HOUSE AMENDMENT NO. 26

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Pages 47-50, Section 143.183, Line 1, by deleting all of said section.

HOUSE AMENDMENT NO. 28

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 42, Section 135.400(10), Line 42, by inserting after the word "activity" the following: **"; or a cooperative marketing association organized pursuant to Chapter 274, RSMo, which is engaged in the business of producing and marketing fuels derived from agricultural commodities and which will operate a facility which will create jobs."**

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 30

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 120, Section 38, Line 3, by inserting after the word "utility" the following: "serving any portion of a city with a population of at least 400,000"; and

Further amend said section, by adding at the end of line 9, the following: "Any such program may cover customers of the utility who reside outside such city."

HOUSE AMENDMENT NO. 31

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 10, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 2, Section A, Line 17, by deleting the word and number "and 48" and inserting in lieu thereof the following: ", 48 and 49"; and

Further amend said bill, Page 124, Section 48, Line 1, by inserting after all of said line the following:

"Section 48. 1. The department of economic development, in conjunction with the public service commission, shall study the feasibility and the potential effect of allowing regulated utilities to engage in the sale or maintenance of energy consuming equipment or appliances, and shall report their findings to the general assembly by December 31, 1997. The study shall include, but not be limited to, the economic effect on small independent businesses. "

HOUSE AMENDMENT NO. 32

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Section 290.502, Page 76, Lines 4-7, by deleting all of said lines, and inserting in lieu thereof the following: "jobs in interstate commerce."; and

Amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 34

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 124, Section 48, Line 9, by inserting immediately after said line all of the following new sections:

Section 49. 1. Sections 49 to 52 of this act shall be known as the "Workfare Renovation Project". Subject to participation by qualifying cities, the Missouri housing development commission shall establish a two-year pilot project in each of the two cities defined in section 50 of this act which shall provide for the renovation of inner city property for subsequent purchase pursuant to the provisions of sections 45 to 48 of this act.

Section 50. As used in sections 45 to 48 of this act, the following terms mean:

- (1) "Agency", the participating city's administering agency of the workfare renovation project;**
- (2) "City", any city not within a county or any city with at least three hundred fifty thousand inhabitants which is located in more than one county;**
- (3) "Commission", the state housing development commission authorized pursuant to sections 215.010 to 215.250, RSMo;**
- (4) "Federal poverty level", the first poverty income guidelines published in the calendar year by the United States Department of Health and Human Services;**
- (5) "Low income", a household income which does not exceed two hundred percent of the federal poverty level;**
- (6) "Project", the renovation of one or more inner city properties which have been determined to be of substandard quality or condition and the subsequent sale of such property following renovation;**
- (7) "Renovate" or "renovation", the reconstruction, remodeling, repairing, weatherizing, installation of energy conservation measures or devices, and similar work necessary to make an inner city property safe, sanitary and decent, and make such property meet the minimum building code requirements and occupancy requirements of a city, as the term city is defined in this section.**

Section 51. 1. The workfare renovation project shall have the following goals:

- (1) To assist low income individuals in learning a trade by providing them with an opportunity to participate in the renovation of inner city property; and**
 - (2) To create tax producing property for the participating cities out of existing inner city property.**
- 2. The governing body of any city defined in section 46 of this act, by enacting the appropriate ordinances,**

may participate in the workfare renovation project by donating existing inner city property to the project, submitting a plan for renovation in the city to the commission and establishing an agency to administer the project in such city pursuant to any authority delegated to such agency by the commission.

3. The commission may:

(1) Receive, hold and convey title to real estate on the workfare renovation project carried out by the participating city and receive and use for the purposes described in sections 45 to 48 of this act any grants or loans made by the commission pursuant to section 215.035 or 215.050, RSMo;

(2) Approve all proposed inner city property for renovation;

(3) Approve the workers who will perform the renovation and reconstruction work. The workers, to be selected from the local labor force, shall be capable of performing the work for which they will be hired, and shall be, as far as practicable, persons who are classified as low income or receiving public assistance and who are indigenous to the areas which are selected for renovation activity;

(4) Contract and be contracted with;

(5) Seek such legal and other professional and staff assistance deemed necessary to carry out the purposes of sections 45 to 48 of this act including, but not limited to, the community development corporation of Kansas City;

(6) Sell the properties renovated, but such sales shall be subject to the following requirements;

(a) All properties sold shall be sold at cost to persons who qualify for low income housing ownership benefits pursuant to federal or state law, or both, as determined annually by the Missouri housing development commission;

(b) Each property shall be sold only to a person who will be the actual owner of record of the property and will actually occupy the property for a period of not less than five years; and

(c) Each property shall be sold at a price which will allow the commission to recover all costs incurred by it in renovating and selling such property, including, but not limited to, the labor, materials and other renovation expenses;

(7) Do all other things necessary to implement and administer the residential renovation program authorized by sections 49 to 52 of this act;

(8) Utilize all appropriate tax credit and wage diversion programs offered through state departments to assist low-income residents of this state in becoming self-sufficient through the workfare renovation project.

Section 52. Properties selected for renovation pursuant to the provisions of sections 49 to 52 of this act shall be located in those areas of the inner city which are in the greatest need of neighborhood rehabilitation. Each administering agency shall make a plan or plans, available to the public, to carry out the purposes of this section. In making the plan or plans required by this section, each agency shall hold public hearings at reasonable times and places from which to obtain community input in order to assess the impact of any proposed plan on any neighborhood involved and to assist them in determining which neighborhood or neighborhoods shall be given the highest priority. The factors which the agency may consider, among all other relevant considerations, are:

(1) The number of properties owned by the city in a neighborhood which could be renovated; and

(2) The prior commitment of private developers to the area selected or adjacent areas for purposes of assuring that purchasers of such property can obtain financing and insurance.

Further amend said bill by amending the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HB 883, with **SCA 1**, introduced by Representative Clayton, entitled:

An Act to repeal sections 566.617 and 566.625, RSMo 1994, and sections 566.600, 566.603, 566.605, 566.607, 566.610, 566.614 and 566.620, RSMo Supp. 1996, relating to registration of certain offenders, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Scott.

SCA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion failed.

On motion of Senator Scott, **HB 883** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay House--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HS for **HB 389**, with **SCAs 1** and **2**, was placed on the Informal Calendar.

HB 104, with **SCS**, was placed on the Informal Calendar.

HB 831, with **SCA 1**, was placed on the Informal Calendar.

HCS for **HB 528**, entitled:

An Act to repeal sections 265.600, 265.605, 265.610, 265.615, 265.620, 265.625, 265.630, 265.635, 265.640, 413.225 and 413.227, RSMo 1994, relating to regulation of weights and measures, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Maxwell.

On motion of Senator Maxwell, **HCS** for **HB 528** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Bentley	Clay--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HJR 11, introduced by Representative Leake, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the Constitution of Missouri, relating to joint municipal utility commission revenue bonds, and adopting one new section in lieu thereof relating to the same subject.

Was taken up by Senator Maxwell.

At the request of Senator Maxwell, **HJR 11** was placed on the Informal Calendar.

HB 787, with **SCAs 1, 2, 3, 4** and **5** was placed on the Informal Calendar.

HCS for **HB 635**, entitled:

An Act relating to hepatitis B vaccinations for at-risk state employees.

Was taken up by Senator McKenna.

Senator Howard offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 635, Page 2, Section 1, Line 23, by inserting immediately after all of said line the following:

"6. The department of mental health shall develop criteria for locating new methadone treatment programs in the state of Missouri."

Senator Howard moved that the above amendment be adopted.

Senator Johnson resumed the Chair.

Senator Singleton raised the point of order that **SA 1** is out of order in that it goes beyond the scope and content of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Howard moved that **SA 1** be adopted, which motion prevailed.

At the request of Senator McKenna, **HCS** for **HB 635**, as amended, was placed on the Informal Calendar.

HCS for **HB 509**, entitled:

An Act to amend chapter 208, RSMo, relating to public assistance by adding thereto two new sections relating to temporary assistance for needy families.

Was taken up by Senator Howard.

Senator Howard offered **SS** for **HCS** for **HB 509**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 509

An Act to amend chapter 208, RSMo, relating to public assistance by adding thereto two new sections relating to temporary assistance for needy families.

Senator Howard moved that **SS** for **HCS** for **HB 509** be adopted.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 509, Page 1, Section 208.028, Lines 4-

15, by deleting said section; and

Further amend said bill, page 2, section 208.029, by deleting lines 22-24; and

Further amend said bill, by deleting subsection 5 and inserting in lieu thereof the following:

"(6) Meets a needs criteria established by the division of family services and in accordance with appropriations granted by the general assembly."

Senator Sims moved that the above amendment be adopted.

At the request of Senator Howard, **HCS** for **HB 509**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

HB 630, introduced by Representatives Boucher and Ransdall, entitled:

An Act relating to patriotic activities.

Was taken up by Senator DePasco.

On motion of Senator DePasco, **HB 630** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Flotron McKenna--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HBs 641** and **593**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

At the request of Senator Bentley, **HCS** for **HBs 641** and **593** was placed on the Informal Calendar.

HB 172, with **SCA 1**, introduced by Representative Leake, entitled:

An Act to repeal section 130.034, RSMo Supp. 1996, relating to campaign contributions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Maxwell.

SCA 1 was taken up.

Senator Maxwell moved that the above amendment be adopted.

At the request of Senator Maxwell, **HB 172**, with **SCA 1** (pending), was placed on the Informal Calendar.

Senator Howard moved that **HCS** for **HB 509**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 509, Page 2, Section 208.029, Line 13, by striking the word "requirements" and inserting in lieu thereof: "**components**".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Howard moved that **SS** for **HCS** for **HB 509**, as amended, be adopted, which motion prevailed.

On motion of Senator Howard, **SS** for **HCS** for **HB 509**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach

Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Banks Russell--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HBs 641** and **593**, entitled:

An Act to repeal sections 162.970, 162.975 and 162.980, RSMo 1994, and section 167.126, RSMo Supp. 1996, relating to state aid for special education programs, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Bentley.

Senator Bentley offered **SS** for **HCS** for **HBs 641** and **593**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 641 AND 593

An Act to repeal sections 160.011, 160.021, 162.970, 162.975 and 162.980, RSMo 1994, and section 167.126, RSMo Supp. 1996, relating to state aid for special education programs, and to enact in lieu thereof six new sections relating to the same subject.

Senator Bentley moved that **SS** for **HCS** for **HBs 641** and **593** be adopted.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 641 and 593, Page 8, Section 167.126, Line 9, by inserting immediately before all of said line the following:

"165.011. 1. The following funds are created for the accounting of all school moneys: teachers' fund, incidental fund, free textbook fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under sections 162.975, RSMo, and 163.031, RSMo, and all other moneys received from the state except as

herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education. Money received from other districts for transportation, and money derived from taxation for incidental expenses shall be credited to the incidental fund. Money apportioned for free textbooks shall be credited to the free textbook fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings and equipment by a school district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may expend from the incidental fund the sum that is necessary for the ordinary repairs of school property and an amount not to exceed the sum of expenditures for classroom instructional capital outlay, as defined by the department of elementary and secondary education by rule, in state-approved area vocational-technical schools and .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year for classroom instructional capital outlay, including but not limited to payments authorized pursuant to section 177.088, RSMo. Any and all payments authorized under section 177.088, RSMo, except as otherwise provided in this subsection, for the purchase or lease of sites, buildings, facilities, furnishings and equipment and all other expenditures for capital outlay shall be made from the capital projects fund. If a balance remains in the free textbook fund after books are furnished to pupils as provided in section 170.051, RSMo, it shall be transferred to the teachers' fund. The board may transfer the portion of the balance remaining in the incidental fund to the teachers' fund that is necessary for the total payment of all contracted obligations to teachers. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund.

3. Tuition shall be paid from either the teachers' or incidental funds.

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that satisfies the criteria specified in subsection 5 of this section may transfer from the incidental fund to the capital projects fund an amount not to exceed the greater of zero or the sum of .18 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year and the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year and any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools and an amount not to exceed .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year less any amount transferred pursuant to subsection 7 of this section, provided that any amount transferred pursuant to this subsection shall only be transferred as necessary to satisfy obligations of the capital projects fund less any amount expended from the incidental fund for classroom instructional capital outlay pursuant to subsection 2 of this section. For the purposes of this subsection, the guaranteed tax base and a district's count of resident and nonresident eligible pupils educated in the

district shall not be less than their respective values calculated from data for the 1992-93 school year.

5. In order to transfer funds pursuant to subsection 4 of this section, a school district shall:

(1) Meet the minimum criteria for state aid and for increases in state aid for the current year established pursuant to section 163.021, RSMo;

(2) Not incur a total debt, including short-term debt and bonded indebtedness in excess of ten percent of the guaranteed tax base for the preceding payment year multiplied by the number of resident and nonresident eligible pupils educated in the district in the preceding year;

(3) Set tax rates pursuant to section 164.011, RSMo;

(4) First apply any voluntary rollbacks or reductions to the total tax rate levied to the teachers' and incidental funds;

(5) In order to be eligible to transfer funds for paying lease purchase obligations:

(a) Incur such obligations, **except for obligations for lease purchase for school buses**, prior to January 1, 1997;

(b) Limit the term of such obligations to no more than twenty years;

(c) Limit annual installment payments on such obligations to an amount no greater than the amount of the payment for the first full year of the obligation, including all payments of principal and interest, except that the amount of the final payment shall be limited to an amount no greater than two times the amount of such first-year payment;

(d) Limit such payments to leasing nonathletic, classroom, instructional facilities as defined by the state board of education through rule; and

(e) Not offer instruction at a higher grade level than was offered by the district on July 12, 1994.

6. A school district shall be eligible to transfer funds pursuant to subsection 7 of this section if:

(1) Prior to August 28, 1993:

(a) The school district incurred an obligation for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo;

(b) The school district notified the appropriate local election official to place an issue before the voters of the district for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo; or

(c) An issue for funding payments under a lease purchase contract authorized under section 177.088, RSMo, was approved by the voters of the district; or

(2) Prior to November 1, 1993, a school board adopted a resolution authorizing an action necessary to comply with subsection 9 of section 177.088, RSMo. Any increase in the operating levy of a district above the 1993 tax rate resulting from passage of an issue described in paragraph (b) of subdivision (1) of this subsection shall be considered as part of the 1993 tax rate for the purposes of subsection 1 of section 164.011, RSMo.

7. Prior to transferring funds pursuant to subsection 4 of this section, a school district may transfer, pursuant to this subsection, from the incidental fund to the capital projects funds an amount as necessary to satisfy an obligation of the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, but not to exceed its payments authorized under section 177.088, RSMo, for the purchase or lease of sites, buildings, facilities, furnishings, equipment, and all other expenditures for capital outlay, plus the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year plus any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools. A school district with a levy for school purposes no greater than the minimum levy

specified in section 163.021, RSMo, and an obligation in the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, may transfer from the incidental fund to the capital projects fund the amount necessary to meet the obligation plus the transfers pursuant to subsection 4 of this section.

8. Beginning in the 1995-96 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031, RSMo, an amount equal to the amount of any transfer of funds from the incidental fund to the capital projects fund performed during the previous year in violation of this section.

9. On or before June 30, 1995, a school district may transfer to the capital projects fund from the balances of the teachers' and incidental funds any amount, but only to the extent that the teachers' and incidental fund unrestricted balances on June 30, 1995, are equal to or greater than eight percent of expenditures from the teachers' and incidental funds for the year ending June 30, 1995."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Bentley raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope of the subject matter of the bill.

At the request of Senator Bentley, **HCS** for **HBs 641** and **593**, with **SS, SA 1** and the point of order (pending), was placed on the Informal Calendar.

Senator Maxwell moved that **HJR 11** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Joint Resolution No. 11, Page 2, Section 27, Line 22, by inserting immediately after all of said line the following:

"Section B. Article VI, Constitution of Missouri, is amended by adding thereto one new section, to be known as section 30(c), to read as follows:

Section 30(c). Any entity created pursuant to Article VI, Section 30(a) of this Constitution which adopts or has adopted a charter for its own government, shall have all powers which the general assembly of the state of Missouri has authority to confer upon such entity, provided such powers are consistent with the constitution of this state and are not limited or denied either by the charter so adopted or by statute."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Maxwell, **HJR 11**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Klarich

Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	Nays--Senators		
Graves	Kinder	Rohrbach--3	
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

The President Pro Tem ruled the point of order on **SA 1** to **SS** for **HCS** for **HBs 641** and **593** not well taken.

SA 1 was again taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 641 and 593, Page 5, Section 162.975, Line 19, by placing a "[" after the "," on line 19 and a "]" after the "." on line 21 and insert immediately after the closing bracket **"who are in compliance with section 167.031."**; and

Further amend said bill, page 6, line 8, by placing a "[" after the "," and a "]" after the "." on line 10 and insert immediately after the closing bracket **"who are in compliance with section 167.031."**

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins resumed the Chair.

Senator Johnson offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 641 and 593, Page 17, Section 162.980, Line 12, by inserting immediately after said line the following:

"163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the district's equalized

operating levy for school purposes as defined in section 163.011 multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor **plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year**; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087, of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent times the guaranteed tax base per eligible pupil times the minimum value for an operating levy for school purposes as provided in section 163.011 times the proration factor; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) Beginning with the 1993-94 school year, the revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section; plus the product of the current assessed valuation of the district multiplied by the following tax rate - the greater of zero

or the minimum rate required by subsection 2 of section 163.021 minus the district's equalized operating levy for school purposes for 1993, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section.

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

1. Number of eligible pupils x (district's equalized
operating levy for school purposes) x (proration
x GTB per EP)..... \$.....

Deductions

2. District equalized assessed valuation

x district income factor x district's

equalized operating levy for school purposes

plus ninety percent of any payment

received the current year of protested

taxes due in prior years no earlier than the 1997 tax year minus the amount of

any protested taxes due in the current year and for which notice of protest

was received during the current

year \$.....

3. Intangible taxes, fines, forfeitures, escheats,

payments in lieu of taxes, etc. (100% of the

amount received the previous year for

school purposes) \$.....

4. Receipts from state assessed

railroad and utility tax (100% of

the amount received the previous

year for school purposes) \$.....

5. Receipts from federal properties

pursuant to sections 12.070 and

12.080, RSMo (100% of the amount

received the previous year for

school purposes) \$.....

6. (Federal impact aid received the previous year

for school purposes pursuant to P.L. 81-874 less

\$50,000) x 90% or the maximum

percentage allowed by federal regulations

if less than 90% \$.....

7. Fifty percent or the percentage otherwise

provided in section 163.087 of Proposition C
receipts from the school district trust fund
received the previous year for school purposes
pursuant to section 163.087, RSMo \$.....

8. One hundred percent of the amount received
the previous year for school purposes from
the fair share fund pursuant to section
149.015, RSMo \$.....

9. One hundred percent of the amount received the previous year for school purposes from
the free textbook fund pursuant to
section 148.360, RSMo \$.....

10. Total deductions (sum of lines 2-9) \$.....

Categorical Add-ons

11. The amount distributed pursuant to section
163.161 x proration \$.....

12. Special education approved or allowed cost
entitlement for the district pursuant to section
162.975, RSMo, x proration \$.....

13. Seventy-five percent of the gifted education
approved or allowable cost entitlement as
determined pursuant to section
162.975, RSMo, x proration \$.....

14. Free and reduced lunch eligible pupil count for
the district, as defined in section 163.011,
RSMo, x .20 x GTB per EP x the minimum
value for an operating levy for school purposes as provided in section 163.011
x proration \$.....

15. Career ladder entitlement for the district

as provided for in sections 168.500 to

168.515, RSMo, x proration \$.....

16. Vocational education entitlements for

the district as provided in section 167.332,

RSMo, x proration \$.....

17. Educational and screening program entitlements

for the district as provided in sections 178.691

to 178.699, RSMo, x proration\$.....

18. Sum of categorical add-ons for the district

(sum of lines 11-17)..... \$.....

19. District apportionment (line 18 plus the

greater of line 1 minus line 10

or zero) \$.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.

163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year or the number of eligible pupils for the immediately preceding year whichever is greater. Any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

3. For the purposes of distribution of state school aid pursuant to section 163.031, RSMo, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, RSMo, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year."; and

Further amend said bill, page 1, in the title, line 4, by striking the word "special"; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 641 and 593, Page 13, Section 2, Line 6, by adding one new section immediately after said line the following:

"Section 1. 1. Any person serving as a member of a board or commission may indicate that such member wishes to contribute all or any part of the per diem or expense reimbursement received for such service on the board or commission to a fund to be administered by the division of youth services for the counseling, treatment and therapy of children who have been sexually, physically or emotionally abused. The office of administration shall design vouchers for the payment of the per diem or expense reimbursement to allow the person to designate if all or part of the money the person is entitled to receive is to be deposited in the "Youth Services Treatment Fund", which is hereby created in the state treasury. All per diem and expense reimbursement amounts which are contributed shall be deposited with the state treasurer in the fund. The division of youth services advisory board created in chapter 219, RSMo, shall make recommendations to the governor and the department of social services for the expenditure of the money in the fund.

2. Notwithstanding the provisions of sections 33.080, RSMo, moneys in the fund at the end of any biennium shall not be transferred to the general revenue fund."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 641 and 593, Page 11, Section 167.126, Line 26 of said page, by inserting immediately after all of said line the following:

"167.161. 1. The school board of any district, after notice to parents or others having custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the pupils. In addition to the authority granted in section 167.171, a school board may authorize, by general rule, the immediate removal of a pupil upon a finding by the principal, superintendent, or school board that the pupil poses a threat of harm to such pupil or others, as evidenced by the prior conduct of such pupil. Prior disciplinary actions shall not be used as the sole basis for removal, suspension or expulsion of a pupil. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. At the hearing upon any such removal, suspension or expulsion, the board shall consider the evidence and statements that the parties present and may consider records of past disciplinary actions, criminal court records or juvenile court records consistent with other provisions of the law, or the actions of the pupil which would constitute a criminal offense. The board may provide by general rule not inconsistent with this section for the procedure and conduct of such hearings. After meeting with the superintendent or his designee to discuss the expulsion, the parent, custodian or the student, if at least eighteen years of age, may, in writing, waive any right to a hearing before the board of education.

2. The school board of any district, after notice to parents or others having custodial care and a hearing upon the matter, may suspend a pupil upon a finding that the pupil has been charged, convicted or pled guilty in a court of general jurisdiction for the commission of a felony criminal violation of state or federal law. At a hearing required by this subsection, the board shall consider statements that the parties present. The board may provide for the procedure

and conduct of such hearings.

3. The school board shall make a good-faith effort to have the parents or others having custodial care present at any such hearing. **Notwithstanding any other provision of law to the contrary, student discipline hearings or proceedings related to the rights of students to attend school or to receive academic credit shall not be required to comply with the requirements applicable to contested case hearings as provided in chapter 536, RSMo, provided that appropriate due process procedures shall be observed which shall include the right for a direct appeal for a de novo review by the circuit court.**"; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Bentley raised the point of order that **SA 5** is out of order in that it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 5 was again taken up.

Senator Jacob offered **SA 1** to **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for House Committee Substitute for House Bills Nos. 641 and 593, Page 2, Line 22, by striking the words "For a direct appeal" and insert between "a" and "de novo" the word "trial" and by striking the word "review".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

SA 5, as amended, was again taken up.

Senator Singleton moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Rohrbach offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 641 and 593, Page 3, Section 162.975, Line 1, by adding immediately before said line the following:

"160.522. 1. By July 1, 1996, the state board of education shall adopt a policy for the public reporting of information by school districts on an annual basis. The school district reports shall be distributed to all media outlets serving the district, and shall be made available to all district patrons, and to each member of the general assembly representing a legislative district which contains a portion of the school district.

2. The department of elementary and secondary education shall develop multiple reporting models which may be used by school districts for their public reports. The information reported shall include, but not be limited to, enrollment, rates of pupil attendance, high school dropout rate, staffing ratios, including the district ratio of students to all teachers, to administrators, and to classroom teachers, the average years of experience of professional staff and advanced degrees earned, student achievement as determined through the assessment system developed pursuant to section 160.518, student scores on the SAT or ACT, along with the percentage of students taking each test, average teachers' and administrators' salaries compared to the state averages, average salaries of noncertificated personnel compared to state averages, average per pupil expenditures for the district as a whole and for each building in the district **which has**

pupils at the same grade level as another building in the district, voted and adjusted tax rates levied, assessed valuation, percent of the district operating budget received from state, federal, and local sources, extracurricular activities offered and the costs associated with each activity, the number of students eligible for free or reduced lunch, school calendar information, including the number of days and hours for student attendance, parent-teacher conferences, and staff development or in-service training, data on course offerings and rates of participation in parent-teacher conferences, special education programs, early childhood special education programs, parents as teachers programs, vocational education programs, gifted or enrichment programs, and advanced placement programs, data on the number of students continuing their education in postsecondary programs and information about job placement for students who complete district vocational education programs, and the district's most recent accreditation by the state board of education, including measures for school improvement.

3. The public reporting shall permit the disclosure of data on a school by school basis, but the reporting shall not be personally identifiable to any student or education professional in the state.

4. Beginning July 1, 1996, the annual report made by the state board of education pursuant to section 161.092, RSMo, shall include a summary of school districts accredited, provisionally accredited, and unaccredited under the Missouri school improvement program, including an analysis of standards met and not met, and an analysis of state program assessment data collected pursuant to section 160.526, describing the kinds of tasks students can perform."; and

Further amend said bill, by amending the titling and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 641 and 593, Page 13, Section 2, Line 6, by inserting immediately after all of said line the following:

"Section 3. Notwithstanding any provision of state law, state regulation, or school district rule or regulation, the state board of education shall not limit the number of schools which may be deemed academically deficient pursuant to Section 160.538, RSMo, in any one school district or the total number of schools in the state and shall not use location in determining whether a school is academically deficient."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Bentley raised the point of order that **SA 7** is out of order in that it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 7 was again taken up.

Senator Bentley requested a roll call vote be taken on the adoption of **SA 7** and was joined in her request by Senators Childers, Howard, Sims and Jacob.

SA 7 failed of adoption by the following vote:

Yeas--Senators

Childers

Clay

Ehlmann

Graves

House	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Schneider
Singleton	Yeckel--14		

Nays--Senators

Banks	Bentley	Caskey	DePasco
Goode	Howard	Jacob	Johnson
Lybyer	Mathewson	Maxwell	McKenna
Quick	Scott	Sims	Staples
Wiggins--17			

Absent--Senators

Curls	Flotron	Westfall--3
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Absent with leave--Senators--None

Senator Jacob offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 641 and 593, Page 8, Section 162.975, Line 8 of said page, by inserting immediately after said line the following:

"167.117. 1. In any instance when any person is believed to have committed an act which if committed by an adult would be assault in the first[, second or third] **or second** degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent. **In instances when any person is believed to have committed an act which if committed by an adult would be assault in the third degree, the principal may determine whether the act is of such a serious nature that it should be reported to the superintendent or the appropriate local law enforcement agency or both.**

2. In any instance when a pupil is discovered to have on or about such pupil's person, or among such pupil's possessions, or placed elsewhere on the school premises, any controlled substance as defined in section 195.010, RSMo, or any weapon as defined in subsection 4 of section 160.261, RSMo, in violation of school policy, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent.

3. In any instance when a teacher becomes aware of an assault as set forth in subsection 1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth in subsection 2 of this section, the teacher shall immediately report such incident to the principal.

4. A school employee, superintendent or such person's designee who in good faith provides information to police under subsection 1 or 2 of this section shall not be civilly liable for providing such information.

5. Any school official responsible for reporting pursuant to this section or section 160.261, RSMo, who willfully neglects or refuses to perform this duty shall be subject to the penalty established pursuant to section 162.091, RSMo."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Bentley moved that **SS** for **HCS** for **HBs 641** and **593**, as amended, be adopted, which motion prevailed.

On motion of Senator Bentley, **SS** for **HCS** for **HBs 641** and **593**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls Flotron--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator McKenna moved that **HCS** for **HB 635**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 635, Page 1, Section 1, Line 1, by inserting before said line the following:

"Section A. Sections 195.010, 195.040, 195.060, 195.070, 195.080, 195.100, 195.110, 195.197, 195.204, 195.400 and 195.410, RSMo 1994, and sections 195.017, 195.030 and 570.030, RSMo Supp. 1996, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 195.010, 195.017, 195.022, 195.030, 195.040, 195.045, 195.060, 195.070, 195.080, 195.100, 195.110, 195.197, 195.204, 195.400, 195.410, 570.030 and 1, to read as follows:

195.010. The following words and phrases as used in sections 195.005 to 195.425, unless the context otherwise requires, mean:

(1) "Addict", a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his addiction;

(2) "Administer", to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) A practitioner (or, in his presence, by his authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner;

(3) "Agent", an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman while acting in the usual and lawful course of the carrier's or warehouseman's business;

(4) ["Apothecary", a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in sections 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state;

(5)] "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general authorized to investigate, commence and prosecute an action under sections 195.005 to 195.425;

[(6) "Bureau", the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, or its successor agency;]

[(7)] (5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I through V listed in this sections 195.005 to 195.425;

[(8)] (6) "Controlled substance analogue", a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(b) With respect to a particular individual, which that individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II. The term does not include a controlled substance; any substance for which there is an approved new drug application; any substance for which an exemption is in effect for investigational use, for a particular person, under section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent conduct with respect to the substance is pursuant to the exemption; or any substance to the extent not intended for human consumption before such an exemption takes effect with respect to the substance;

[(9)] (7) "Counterfeit substance", a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance;

[(10)] (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one person to another of drug

paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale;

[(11)] **(9)** "Dentist", a person authorized by law to practice dentistry in this state;

[(12)] **(10)** "Depressant or stimulant substance":

(a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid or any derivative of barbituric acid which has been designated by the United States Secretary of Health and Human Services as habit forming under 21 U.S.C. 352(d);

(b) A drug containing any quantity of:

a. Amphetamine or any of its isomers;

b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

c. Any substance the United States Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system;

(c) Lysergic acid diethylamide; or

(d) Any drug containing any quantity of a substance that the United States Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect;

[(13)] **(11)** "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery. "Dispenser" means a practitioner who dispenses;

[(14)] **(12)** "Distribute", to deliver other than by administering or dispensing a controlled substance;

[(15)] **(13)** "Distributor", a person who distributes;

[(16)] **(14)** "Drug":

(a) Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(c) Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

(d) Substances intended for use as a component of any article specified in this subdivision. It does not include devices or their components, parts or accessories;

[(17)] **(15)** "Drug dependent person", a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from the use of such substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence;

(16) "Drug enforcement agency", the Drug Enforcement Administration in the United States Department of Justice, or its successor agency;

[(18)] (17) "Drug paraphernalia", all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005 to 195.425. It includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;

(d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;

(k) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;

(l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons and cocaine vials;

- g. Chamber pipes;
- h. Carburetor pipes;
- i. Electric pipes;
- j. Air-driven pipes;
- k. Chillums;
- l. Bongs;

m. Ice pipes or chillers; In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (a) Statements by an owner or by anyone in control of the object concerning its use;
- (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;
- (c) The proximity of the object, in time and space, to a direct violation of sections 195.005 to 195.425;
- (d) The proximity of the object to controlled substances or imitation controlled substances;
- (e) The existence of any residue of controlled substances or imitation controlled substances on the object;
- (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- (g) Instructions, oral or written, provided with the object concerning its use;
- (h) Descriptive materials accompanying the object which explain or depict its use;
- (i) National or local advertising concerning its use;
- (j) The manner in which the object is displayed for sale;
- (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- (m) The existence and scope of legitimate uses for the object in the community;
- (n) Expert testimony concerning its use;

[(19)] **(18)** "Federal narcotic laws", the laws of the United States relating to controlled substances;

[(20)] **(19)** "Hospital", a place [or institution devoted primarily to the purpose of providing facilities for the diagnosis, care or treatment of sick, injured, or handicapped individuals and licensed by the department of health of Missouri in keeping with the requirements of the "Hospital Licensing Law"] **devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide, for not less than twenty-four consecutive hours in any week,**

medical or nursing care for three or more nonrelated individuals. The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198, RSMo;

[(21)] **(20)** "Immediate precursor", a substance which:

- (a) The state department of health has found to be and by rule designates as being the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance;
- (b) Is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and
- (c) The control of which is necessary to prevent, curtail or limit the manufacture of the controlled substance;

[(22)] **(21)** "Imitation controlled substance", a substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the substance is an "imitation controlled substance" the court or authority concerned should consider, in addition to all other logically relevant factors, the following:

- (a) Whether the substance was approved by the federal Food and Drug Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug Administration approved package, with the federal Food and Drug Administration approved labeling information;
- (b) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;
- (c) Whether the substance is packaged in a manner normally used for illicit controlled substances;
- (d) Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud;
- (e) The proximity of the substances to controlled substances;
- (f) Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a noncontrolled substance that was initially introduced in commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to imitate. Furthermore, an imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research;

[(23)] "Drug enforcement agency", the Drug Enforcement Administration in the United States Department of Justice, or its successor agency;]

[(24)] **(22)** "Laboratory", a laboratory approved by the department of health as proper to be entrusted with the custody of controlled substances but does not include [an apothecary] **a pharmacist** who compounds controlled substances to be sold or dispensed on prescriptions;

[(25)] **(23)** "Manufacture", the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include the preparation or compounding of a controlled substance or an imitation controlled substance by an individual for his own use or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

(a) By a practitioner as an incident to his administering or dispensing of a controlled substance or an imitation controlled substance in the course of his professional practice, or

(b) By a practitioner or his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

[(26)] **(24)** "Marijuana", all parts of the plant genus *Cannabis* in any species or form thereof, including, but not limited to *Cannabis Sativa* L., *Cannabis Indica*, *Cannabis Americana*, *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;

[(27)] **(25)** "Narcotic drug", any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical analysis:

(a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium;

(b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(c) Cocaine or any salt, isomer, or salt of isomer thereof;

(d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

(e) Any compound, mixture, or preparation containing any quantity of any substance referred to in paragraphs (a) to (d) of this subdivision;

[(28)] **(26)** "Official written order", an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the department of health;

[(29)] **(27)** "Opiate", any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

[(30)] **(28)** "Opium poppy", the plant of the species *Papaver somniferum* L., except its seeds;

[(31)] **(29)** "Person", an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity;

(30) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in sections 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

[(32)] **(31)** "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

[(33)] **(32)** "Possessed" or "possessing a controlled substance", a person, with the knowledge of the presence and illegal nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it. Possession may also be sole or joint. If one person alone has possession of a substance possession is sole. If two or more persons share possession of a substance, possession is joint;

[(34)] **(33)** "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this state to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research;

[(35)] **(34)** "Production", includes the manufacture, planting, cultivation, growing, or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance;

[(36)] **(35)** "Registry number", the number assigned to each person registered under the federal controlled substances laws;

[(37)] **(36)** "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee;

[(38)] **(37)** "State" when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America;

[(39)] **(38)** "Ultimate user", a person who lawfully possesses a controlled substance or an imitation controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household;

[(40)] **(39)** "Wholesaler", a person who supplies drug paraphernalia or controlled substances or imitation controlled substances that he himself has not produced or prepared, on official written orders, but not on prescriptions.

195.017. 1. The department of health shall place a substance in Schedule I if it finds that the substance:

(1) Has high potential for abuse; and

(2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

2. Schedule I:

(1) The controlled substances listed in this subsection are included in Schedule I;

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(a) Acetyl-alpha-methylfentanyl;

(b) Acetylmethadol;

(c) Allylprodine;

(d) Alphacetylmethadol;

- (e) Alphameprodine;
- (f) Alphamethadol;
- (g) Alpha-methylfentanyl;
- (h) Alpha-methylthiofentanyl;
- (i) Benzethidine;
- (j) Betacetylmethadol;
- (k) Beta-hydroxyfentanyl;
- (l) Beta-hydroxy-3-methylfentanyl;
- (m) Betameprodine;
- (n) Betamethadol;
- (o) Betaprodine;
- (p) Clonitazene;
- (q) Dextromoramide;
- (r) Diampromide;
- (s) Diethylthiambutene;
- (t) Difenoxin;
- (u) Dimenoxadol;
- (v) Dimepheptanol;
- (w) Dimethylthiambutene;
- (x) Dioxaphetyl butyrate;
- (y) Dipipanone;
- (z) Ethylmethylthiambutene;
- (aa) Etonitazene;
- (bb) Etoxeridine;
- (cc) Furethidine;
- (dd) Hydroxypethidine;
- (ee) Ketobemidone;
- (ff) Levomoramide;

(gg) Levophenacymorphan;

(hh) 3-Methylfentanyl;

(ii) 3-Methylthiofentanyl;

(jj) Morpheridine;

(kk) MPPP;

(ll) Noracymethadol;

(mm) Norlevorphanol;

(nn) Normethadone;

(oo) Norpipanone;

(pp) Para-fluorofentanyl;

(qq) PEPAP;

(rr) Phenadoxone;

(ss) Phenampromide;

(tt) Phenomorphan;

(uu) Phenoperidine;

(vv) Piritramide;

(ww) Proheptazine;

(xx) Properidine;

(yy) Propiram;

(zz) Racemoramide;

(aaa) Thiofentanyl;

(bbb) Tilidine;

(ccc) Trimeperidine;

(3) Any of the following opium derivatives, their salts, isomers and salts of isomers unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Acetorphine;

(b) Acetyldihydrocodeine;

(c) Benzylmorphine;

(d) Codeine methylbromide;

- (e) Codeine-N-Oxide;
- (f) Cyprenorphine;
- (g) Desomorphine;
- (h) Dihydromorphine;
- (i) Drotebanol;
- (j) Etorphine; (except Hydrochloride Salt);
- (k) Heroin;
- (l) Hydromorphenol;
- (m) Methyldesorphine;
- (n) Methyldihydromorphine;
- (o) Morphine methylbromide;
- (p) Morphine methylsulfonate;
- (q) Morphine-N-Oxide;
- (r) Myrophine;
- (s) Nicocodeine;
- (t) Nicomorphine;
- (u) Normorphine;
- (v) Pholcodine;
- (w) Thebacon;

(4) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) 4-bromo-2,5-dimethoxyamphetamine;
- (b) **4-bromo-2, 5-dimethoxyphenethylamine;**
- (c) 2,5-dimethoxyamphetamine;
- [(c)] **(d)** 2,5-dimethoxy-4-ethylamphetamine;
- [(d)] **(e)** 4-methoxyamphetamine;
- [(e)] **(f)** 5-methoxy-3,4-methylenedioxyamphetamine;
- [(f)] **(g)** 4-methyl-2,5-dimethoxy amphetamine;
- [(g)] **(h)** 3,4-methylenedioxyamphetamine;

[(h)] **(i)** 3,4-methylenedioxymethamphetamine;

[(i)] **(j)** 3,4-methylenedioxy-N-ethylamphetamine;

[(j)] **(k)** N-nitroso-3, 4-methylenedioxyamphetamine;

[(k)] **(l)** 3,4,5-trimethoxyamphetamine;

(m) Alpha-ethyltryptamine;

[(l)] **(n)** Bufotenine;

[(m)] **(o)** Diethyltryptamine;

[(n)] **(p)** Dimethyltryptamine;

[(o)] **(q)** Ibogaine;

[(p)] **(r)** Lysergic acid diethylamide;

[(q)] **(s)** Marijuana; (Marihuana);

[(r)] **(t)** Mescaline;

[(s)] **(u)** Parahexyl;

[(t)] **(v)** Peyote, to include all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or extracts;

[(u)] **(w)** N-ethyl-3-piperidyl benzilate;

[(v)] **(x)** N-methyl-3-piperidyl benzilate;

[(w)] **(y)** Psilocybin;

[(x)] **(z)** Psilocyn;

[(y)] **(aa)** Tetrahydrocannabinols;

[(z)] **(bb)** Ethylamine analog of phencyclidine;

[(aa)] **(cc)** Pyrrolidine analog of phencyclidine;

[(bb)] **(dd)** Thiophene analog of phencyclidine;

[(cc)] **(ee)** 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;

(5) Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Mecloqualone;

(b) Methaqualone;

(6) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) **Aminorex;**

(b) Cathinone;

[(b)] (c) Fenethylamine;

(d) **Methcathinone;**

[(c)] (e) (+)cis-4-methylaminorex ((+) cis-4, 5-dihydro-4-methyl-5-phenyl-2-oxazoline);

[(d)] (f) N-ethylamphetamine;

[(e)] (g) N,N-dimethylamphetamine;

(7) A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances:

(a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical isomers, salts and salts of isomers;

(b) N-(1-(2-thienyl) methyl-4-piperidyl)-N-phenylpropanamide (thienylfentanyl), its optical isomers, salts and salts of isomers[;

(c) Methcathinone, which may also be known as: 2-methylamino-1-phenylpropan 1-one; ephedrone; monomethylpropion UR 1431, its salts, optical isomers and salts of optical isomers;

(d) Aminorex, which may also be known as: aminoxaphen, 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazoline, its salts, optical isomers and salts of optical isomers;

(e) Alphaethyltryptamine, its optical isomers, salts and salts of isomers, which may also be known as: etryptamine; Alphaethyl-1 H-indole-3-ethanamine; 3-(2-aminobutyl) indole].

3. The department of health shall place a substance in Schedule II if it finds that:

(1) The substance has high potential for abuse;

(2) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) The abuse of the substance may lead to severe psychic or physical dependence.

4. The controlled substances listed in this subsection are included in Schedule II:

(1) Any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(a) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived buprenorphine, dextropropoxyphene, nalbuphine, nalmefene, naloxone and naltrexone, and their respective salts but including the following:

a. Raw opium;

b. Opium extracts;

- c. Opium fluid;
- d. Powdered opium;
- e. Granulated opium;
- f. Tincture of opium;
- g. Codeine;
- h. Ethylmorphine;
- i. Etorphine hydrochloride;
- j. Hydrocodone;
- k. Hydromorphone;
- l. Metopon;
- m. Morphine;
- n. Oxycodone;
- o. Oxymorphone;
- p. Thebaine;

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy);

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

- (a) Alfentanil;
- (b) Alphaprodine;
- (c) Anileridine;
- (d) Bezitramide;
- (e) Bulk Dextropropoxyphene;
- (f) Carfentanil;

- (g) Butyl nitrite;
- (h) Dihydrocodeine;
- (i) Diphenoxylate;
- (j) Fentanyl;
- (k) Isomethadone;
- (l) Levo-alphaacetylmethadol;
- (m) Levomethorphan;
- (n) Levorphanol;
- (o) Metazocine;
- (p) Methadone;
- (q) Meperidine;
- (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic acid;
- (t) Pethidine;
- (u) Pethidine - Intermediate-A, 4 - cyano - 1 - methyl - 4 - phenylpiperidine;
- (v) Pethidine - Intermediate - B, ethyl - 4 - phenylpiperidine-4-carboxylate;
- (w) Pethidine - Intermediate - C, 1 - methyl-4-phenylpiperidine-4-carboxylic acid;
- (x) Phenazocine;
- (y) Piminodine;
- (z) Racemethorphan;
- (aa) Racemorphan;
- (bb) Sulfentanil;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (b) Methamphetamine, its salts, isomers, and salts of its isomers;
- (c) Phenmetrazine and its salts;
- (d) Methylphenidate;

(4) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the

existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Amobarbital;
- (b) Glutethimide;
- (c) Pentobarbital;
- (d) Phencyclidine;
- (e) Secobarbital;

(5) Any material, compound or compound which contains any quantity of the following substances:

(a) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product;

(b) Nabilone;

(6) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;

(b) Immediate precursors to phencyclidine (PCP):

a. 1-phenylcyclohexylamine;

b. 1-piperidinocyclohexanecarbonitrile (PCC).

5. The department of health shall place a substance in Schedule III if it finds that:

(1) The substance has a potential for abuse less than the substances listed in Schedules I and II;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

6. The controlled substances listed in this subsection are included in Schedule III:

(1) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- (a) Benzphetamine;
- (b) Chlorphentermine;
- (c) Clortermine;
- (d) Phendimetrazine;

(2) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances or salts having a depressant effect on the central nervous system:

(a) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances combined with one or more active medicinal ingredients:

a. Amobarbital;

b. Secobarbital;

c. Pentobarbital;

(b) Any suppository dosage form containing any quantity or salt of the following:

a. Amobarbital;

b. Secobarbital;

c. Pentobarbital;

(c) Any substance which contains any quantity of a derivative of barbituric acid or its salt;

(d) Chlorhexadol;

(e) Lysergic acid;

(f) Lysergic acid amide;

(g) Methyprylon;

(h) Sulfondiethylmethane;

(i) Sulfonethylmethane;

(j) Sulfonmethane;

(k) Tiletamine and zolazepam or any salt thereof;

(3) Nalorphine;

(4) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or their salts:

(a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) Not more than three hundred milligrams of [dihydrocodeinone] **hydrocodone** per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than three hundred milligrams of [dihydrocodeinone] **hydrocodone** per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not

more than twenty-five milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(h) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Anabolic steroids. Unless specially excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation:

- (a) Boldenone;
- (b) Chlorotestosterone (4-Chlortestosterone);
- (c) Clostebol;
- (d) Dehydrochlormethyltestosterone;
- (e) Dihydrotestosterone (4-Dihydro-testosterone);
- (f) Drostanolone;
- (g) Ethylestrenol;
- (h) Fluoxymesterone;
- (i) Formebolone (Formebolone);
- (j) Mesterolone;
- (k) Methandienone;
- (l) Methandranone;
- (m) Methandriol;
- (n) Methandrostenolone;
- (o) Methenolone;
- (p) Methyltestosterone;
- (q) Mibolerone;
- (r) Nandrolone;
- (s) Norethandrolone;
- (t) Oxandrolone;
- (u) Oxymesterone;
- (v) Oxymetholone;
- (w) Stanolone;
- (x) Stanozolol;

(y) Testolactone;

(z) Testosterone;

(aa) Trenbolone;

(bb) Any salt, ester, or isomer of a drug or substance described or listed in this subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for that administration.

(6) The department of health may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subdivisions (1) and (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

7. The department of health shall place a substance in Schedule IV if it finds that:

(1) The substance has a low potential for abuse relative to substances in Schedule III;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

8. The controlled substances listed in this subsection are included in Schedule IV:

(1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(a) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Dextropropoxyphene (alpha-(+)-4-dimethyl-amino-1,2-diphenyl-3-methyl-2-propionoxybutane);

(c) Any of the following limited quantities of narcotic drugs or their salts, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;

c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;

(2) Any material, compound, mixture or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) Alprazolam;

(b) Barbital;

- (c) Bromazepam;
- (d) Camazepam;
- (e) Chloral betaine;
- (f) Chloral hydrate;
- (g) Chlordiazepoxide;
- (h) Clobazam;
- (i) Clonazepam;
- (j) Clorazepate;
- (k) Clotiazepam;
- (l) Cloxazolam;
- (m) Delorazepam;
- (n) Diazepam;
- (o) Estazolam;
- (p) Ethchlorvynol;
- (q) Ethinamate;
- (r) Ethyl loflazepate;
- (s) Fludiazepam;
- (t) Flunitrazepam;
- (u) Flurazepam;
- (v) Halazepam;
- (w) Haloxazolam;
- (x) Ketazolam;
- (y) Loprazolam;
- (z) Lorazepam;
- (aa) Lormetazepam;
- (bb) Mebutamate;
- (cc) Medazepam;
- (dd) Meprobamate;
- (ee) Methohexital;

(ff) Methylphenobarbital;

(gg) Midazolam;

(hh) Nimetazepam;

(ii) Nitrazepam;

(jj) Nordiazepam;

(kk) Oxazepam;

(ll) Oxazolam;

(mm) Paraldehyde;

(nn) Petrichloral;

(oo) Phenobarbital;

(pp) Pinazepam;

(qq) Prazepam;

(rr) Quazepam;

(ss) Temazepam;

(tt) Tetrazepam;

(uu) Triazolam;

(vv) Zolpidem;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible: fenfluramine;

(4) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) Cathine ((+)-norpseudoephedrine);

(b) Diethylpropion;

(c) Fencamfamin;

(d) Fenproporex;

(e) Mazindol;

(f) Mefenorex;

(g) Pemoline, including organometallic complexes and chelates thereof;

(h) Phentermine;

(i) Pipradrol;

(j) SPA ((-)-1-dimethy-amino-1,2-diphenylethane);

(5) Any material, compound, mixture or preparation containing any quantity of the following substance, including its salts: pentazocine;

(6) Any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system including their salts, isomers and salts of isomers: ephedrine or its salts, optical isomers, or salts of optical isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically insignificant quantities of another active medicinal ingredient;

(7) The department of health may except by rule any compound, mixture, or preparation containing any depressant substance listed in subdivision (1) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

9. The department of health shall place a substance in Schedule V if it finds that:

(1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

10. The controlled substances listed in this subsection are included in Schedule V:

(1) Any material, compound, mixture or preparation containing any of the following narcotic drug and its salts: buprenorphine;

(2) Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams;

(c) Not more than five-tenths milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(3) Any material, compound, mixture or preparation which contains any quantity of the following substance having a stimulant effect on the central nervous system including its salts, isomers and salts of isomers: pyrovalerone.

11. The department of health shall revise and republish the schedules annually.

195.022. A controlled substance analogue shall, to the extent intended for human consumption, be treated, for the purposes of any state law, as a controlled substance in schedule I.

195.030. 1. The department of health upon public notice and hearing pursuant to this section and chapter 536, RSMo, may promulgate rules and charge reasonable fees relating to the registration and control of the manufacture, distribution and dispensing of controlled substances within this state. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

2. No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare, distribute, dispense or prescribe any controlled substance and no person as a wholesaler shall supply the same, without having first obtained annually a registration issued by the department of health in accordance with rules and regulations promulgated by it.

3. Persons registered by the department of health under sections 195.005 to 195.425 to manufacture, distribute, or dispense or conduct research with controlled substances are authorized to possess, manufacture, distribute or dispense such substances, including any such activity in the conduct of research, to the extent authorized by their registration and in conformity with other provisions of sections 195.005 to 195.425.

4. The following persons shall not be required to register and may lawfully possess controlled substances under sections 195.005 to 195.425:

(1) An agent or employee, **excluding physicians, dentists, optometrists, podiatrists or veterinarians**, of any registered manufacturer, distributor, or dispenser of any controlled substance if such agent is acting in the usual course of his business or employment;

(2) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

5. The department of health may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety.

6. A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

7. The department of health is authorized to inspect the establishment of a registrant or applicant in accordance with the provisions of sections 195.005 to 195.425.

195.040. 1. No registration shall be issued under section 195.030 unless and until the applicant therefor has furnished proof satisfactory to the department of health:

(1) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character;

(2) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

2. No registration shall be granted to any person who has within five years been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense related to controlled substances. No registration shall be granted to any person who is abusing controlled substances.

3. The department of health shall register an applicant to manufacture, distribute or dispense controlled substances unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable state and local law;

(3) Any convictions of an applicant under any federal or state laws relating to any controlled substance;

(4) Past experience in the manufacture or distribution of controlled substances and the existence in the applicant's establishment of effective controls against diversion;

(5) Furnishing by the applicant of false or fraudulent material information in any application filed under sections 195.005 to 195.425;

(6) Suspension or revocation of the applicant's federal registration to manufacture, distribute or dispense narcotics or controlled dangerous drugs as authorized by federal law; and

(7) Any other factors relevant to and consistent with the public health and safety.

4. Registration does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

5. Practitioners shall be registered to dispense any controlled substance or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the laws of this state. The department of health need not require separate registration under sections 195.005 to 195.425 for practitioners engaging in research with nonnarcotic substances in Schedules II through V where the registrant is already registered under sections 195.005 to 195.425 in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the department of health evidence of that federal registration.

6. Compliance by manufacturers and distributors with the provisions of federal law respecting registration (excluding fees) shall entitle them to be registered under sections 195.005 to 195.425.

7. A registration to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the department of health upon a finding that the registrant:

(1) Has furnished false or fraudulent material information in any application filed under sections 195.005 to 195.425;

(2) Has been convicted of a felony under any state or federal law relating to any controlled substance;

(3) Has had his federal registration to manufacture, distribute or dispense suspended or revoked; [or]

(4) Has violated any federal controlled substances statute or regulation, or any provision of sections 195.005 to 195.425 or regulation promulgated pursuant to sections 195.005 to 195.425; **or**

(5) Has had the registrant's professional license to practice suspended or revoked.

8. The department of health may warn or censure a registrant; limit a registration to particular controlled substances or schedules of controlled substances; limit revocation or suspension of a registration to a particular controlled substance with respect to which grounds for revocation or suspension exist; restrict or limit a registration under such terms and conditions as the department of health considers appropriate for a period of five years; suspend or revoke a registration for a period not to exceed five years; or deny an application for registration. In any order of revocation, the department of health may provide that the registrant may not apply for a new registration for a period of time ranging from one to five years following the date of the order of revocation. All stay orders shall toll this time period. **Any registration placed under a limitation or restriction by the department of health shall be termed "under probation".**

9. If the department of health suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by such agency and held pending final disposition of the case. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all [narcotic and dangerous drugs] **controlled substances** may be forfeited to the state.

10. The department of health shall promptly notify the [Bureau of Narcotics and Dangerous Drugs] **Drug Enforcement Administration**, United States Department of Justice, or its successor agency, of all orders suspending or revoking registration and all forfeitures of controlled substances.

11. If after first providing the registrant an opportunity for an informal conference, the department of health proposes to deny, suspend, restrict, limit or revoke a registration or refuse a renewal of registration, the department of health shall serve upon the applicant or registrant written notice of the proposed action to be taken on the application or registration. The notice shall contain a statement of the type of discipline proposed, the basis therefor, the date such action shall go into effect and a statement that the registrant shall have thirty days to request in writing a hearing before the administrative hearing commission. If no written request for a hearing is received by the department of health within thirty days of the applicant's or registrant's receipt of the notice, the proposed discipline shall take effect thirty-one days from the date the original notice was received by the applicant or registrant. If the registrant or applicant makes a written request for a hearing, the department of health shall file a complaint with the administrative hearing commission within sixty days of receipt of the written request for a hearing. The complaint shall comply with the laws and regulations for actions brought before the administrative hearing commission. The department of health may issue letters of censure or warning and may enter into agreements with a registrant or applicant which restrict or limit a registration without formal notice or hearing.

12. The department of health may suspend any registration simultaneously with the institution of proceedings under subsection 7 of this section if the department of health finds that there is imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

195.045. Any person, organization, association or corporation who reports or provides information to the department of health pursuant to the provisions of this chapter and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

195.060. 1. Except as provided in subsection 3 of this section, a pharmacist [or an apothecary], in good faith, may sell and dispense controlled substances to any person only upon a [written or oral] prescription, **as defined by regulation by the department of health**, of [a physician, dentist, podiatrist, or veterinarian] **an authorized practitioner**, provided that the controlled substances listed in Schedule V may be sold without prescription but only in accordance with federal regulations. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be **filled more than six months after the date prescribed; no prescription for a drug in schedule I or II shall be** refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner. [A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose.]

2. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such

drugs, may sell the stock to a manufacturer, wholesaler, or [apothecary] **pharmacist**, but only on an official written order.

3. [An apothecary or] **A pharmacist**, in good faith, may sell and dispense, any Schedule II drug or drugs to any person, in emergency situations as defined by rule of the department of health upon an oral prescription by [a practicing physician, podiatrist, veterinarian or dentist] **an authorized practitioner**, provided such person shall furnish the pharmacist with a written prescription within seventy-two hours, containing the date, name and address prescribing same and their registry number under the federal narcotic laws and bearing the full name and address of the patient for whom, or the owner of the animal for which, the drug is dispensed; provided the drug or drugs prescribed by such oral prescription have been listed by the director of the department of health as provided for in section 195.195. If the oral prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the oral prescription shall write the date of filling, and his own signature on the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled, for a period of two years so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of sections 195.005 to 195.425.

4. It shall be unlawful for [narcotics or hallucinogenic drugs] **controlled substances** to be promoted or advertised for use or sale, provided that this subsection shall not prohibit such activity by a manufacturer, wholesaler, or their agents directed to a physician, pharmacist or other practitioner.

5. Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense controlled substances or he may cause the same to be administered or dispensed by a nurse or graduate physician under his direction and supervision.

2. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and he may cause them to be administered by an assistant or orderly under his direction and supervision.

3. [Any person who has obtained from a physician, podiatrist, dentist, optometrist, or veterinarian any controlled substance for administration to a patient during the absence of such physician, podiatrist, dentist, optometrist, or veterinarian, shall return to such physician, dentist, podiatrist, optometrist, or veterinarian any unused portion of such drug, when it is no longer required by the patient.] **A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.**

4. An individual practitioner may not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: Prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to [six] **three** months if the physician describes on the prescription form the medical reason for requiring the larger supply.

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him, he shall securely affix to each package in which that drug is contained, a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except [an apothecary] **a pharmacist** for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever [an apothecary] **a pharmacist** or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, dentist, podiatrist or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name and address of the [apothecary] **pharmacist** or practitioner for whom he is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name, of the physician, dentist, podiatrist or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

195.110. A person to whom or for whose use any controlled substance in Schedule II has been prescribed, sold, or dispensed by a physician, dentist, podiatrist, or [apothecary] **pharmacist**, or other person authorized under the provisions of section 195.050 and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

195.197. The department of health shall cooperate with federal and other state agencies including the board of pharmacy in discharging its responsibilities concerning traffic in controlled substances, narcotic or dangerous drugs and in suppressing the abuse of controlled substances. To this end, it is authorized to:

(1) Arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances;

(2) Coordinate and cooperate in training programs on controlled substance law enforcement at the local and state levels[;

(3) Conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted].

195.204. 1. A person commits the offense of fraudulently attempting to obtain a controlled substance if he obtains or attempts to obtain a controlled substance or procures or attempts to procure the administration of the controlled substance by fraud, deceit, misrepresentation, or subterfuge; or by the forgery or alteration of a prescription or of any written order; or by the concealment of a material fact; or by the use of a false name or the giving of a false address. The crime of fraudulently attempting to obtain a controlled substance shall include, but shall not be limited to nor be limited by, the following:

(1) Knowingly making a false statement in any prescription, order, report, or record, required by sections 195.005 to 195.425;

(2) For the purpose of obtaining a controlled substance, falsely assuming the title of, or representing oneself to be, a manufacturer, wholesaler, [apothecary] **pharmacist**, physician, dentist, podiatrist, veterinarian, or other authorized person;

(3) Making or uttering any false or forged prescription or false or forged written order;

(4) Affixing any false or forged label to a package or receptacle containing controlled substances;

(5) Possess a false or forged prescription with intent to obtain a controlled substance.

2. Fraudulently attempting to obtain a controlled substance is a class D felony.

3. Information communicated to a physician in an effort unlawfully to procure a controlled substance or unlawfully to procure the administration of any such drug shall not be deemed a privileged communication; provided, however, that no physician or surgeon shall be competent to testify concerning any information which he may have acquired from any patient while attending him in a professional character and which information was necessary to enable him to prescribe for such patient as a physician, or to perform any act for him as a surgeon.

4. The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of section 195.080, in the same way as they apply to transactions under all other sections.

195.400. 1. As used in sections 195.400 to 195.425 the term "person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

2. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the following substances to any person shall submit to the department of health a report, as prescribed by the department of health, of all such transactions:

(1) Anthranilic acid and its salts;

(2) Benzyl cyanide;

(3) Ergotamine and its salts;

(4) Ergonovine and its salts;

(5) N-Acetylanthranilic acid and its salts;

(6) Phenylacetic acid and its salts;

(7) Piperidine and its salts;

(8) 3,4,-Methylenedioxyphenyl-2-propanone;

(9) Acetic anhydride;

(10) Acetone;

(11) Benzyl Chloride;

(12) Ethyl ether;

(13) Hydriodic acid;

(14) Potassium permanganate;

- (15) 2-Butanone (or Methyl Ethyl Ketone or MEK);
- (16) Toluene;
- (17) Ephedrine, its salts, optical isomers, and salts of optical isomers;
- (18) Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;
- (19) Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers;
- (20) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers;
- (21) Methylamine and its salts;**
- (22) Ethylamine and its salts;**
- (23) Propionic anhydride;**
- (24) Isosafrole (Isosafrole);**
- (25) Safrole;**
- (26) Piperonal;**
- (27) N-Methylephedrine, its salts, optical isomers and salts of optical isomers;**
- (28) N-Methylpseudoephedrine, its salts, optical isomers and salts of optical isomers;**
- (29) Benzaldehyde;**
- (30) Nitroethane;**
- (31) Acetic anhydride;**
- (32) Methyl Isobutyl Ketone (MIBK);**
- (33) Hydriotic acid.**

3. The chemicals listed or to be listed in the schedule in subsection 2 of this section are included by whatever official, common, usual, chemical, or trade name designated.

4. The department of health by rule or regulation may add substances to or delete substances from subsection 2 of this section in the manner prescribed under section 195.017, if such substance is a component of or may be used to produce a controlled substance.

5. Any manufacturer, wholesaler, retailer or other person shall, prior to selling, transferring, or otherwise furnishing any substance listed in subsection 2 of this section to a person within this state, require such person to give proper identification. For the purposes of this section "proper identification" means:

- (1) A motor vehicle operator's license or other official state-issued identification which contains a photograph of the person and includes the residential or mailing address of the person, other than a post office box number;
- (2) The motor vehicle license number of any motor vehicle operated by the person;
- (3) A letter of authorization from the business to which any of the substances listed in subsection 2 of this section are being transferred, which shall include the address of the business and business license number if the business is required

to have a license number;

(4) A full description of how the substance is to be used; and

(5) The signature of the person to whom such substances are transferred. The person selling, transferring, or otherwise furnishing any substance listed in subsection 2 of this section shall affix his signature, to the document which evidences that a sale or transfer has been made, as a witness to the signature and proper identification of the person purchasing such substance.

6. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any substance listed in subsection 2 of this section to a person shall, not less than twenty-one days prior to the delivery of the substance, submit a report of the transaction as prescribed by the department of health, which shall include the proper identification information. The department of health may allow the submission of such reports on a monthly basis with respect to repeated, regular transactions between a person who furnishes such substances and the person to whom such substances are delivered, if the department determines that either:

(1) A pattern of regular supply of the substance exists between the manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes such substance and the person to whom such substance is delivered; or

(2) The person to whom such substance is delivered has established a record of utilization of the substance for lawful purposes.

7. This section shall not apply to any of the following:

(1) Any pharmacist, pharmacy, or other authorized person who sells or furnishes a substance listed in subsection 2 of this section upon the prescription or order of a physician, dentist, podiatrist or veterinarian;

(2) Any physician, optometrist, dentist, podiatrist or veterinarian who administers, dispenses or furnishes a substance listed in subsection 2 of this section to his patients within the scope of his professional practice. Such [adminstration] **administration** or dispensing shall be recorded in the patient record;

(3) Any sale, transfer, furnishing or receipt of any drug which contains any substance listed in subsection 2 of this section and which is lawfully sold, transferred, or furnished over the counter without a prescription pursuant to the federal Food, Drug and Cosmetic Act of regulations adopted thereunder.

8. (1) Any violation of subsection 5 of this section shall be a class D felony.

(2) Any person subject to subsection 6 of this section who does not submit a report as required or who knowingly submits a report with false or fictitious information shall be guilty of a class D felony and subject to a fine not exceeding ten thousand dollars.

(3) Any person who is found guilty a second time of not submitting a report as required in subsection 6 of this section or who knowingly submits such a report with false or fictitious information shall be guilty of a class C felony and subject to a fine not exceeding one hundred thousand dollars.

195.410. 1. No registration shall be issued under section 195.405 unless and until the applicant for such registration has furnished proof satisfactory to the department of health that:

(1) The applicant is of good moral character or, if the applicant is an association or corporation, that the managing officers are of good moral character; and

(2) The applicant is properly equipped as to land, building, and paraphernalia to carry on the business described in his application.

2. No registration shall be granted to any person who has within five years been finally adjudicated and found guilty,

or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense related to controlled substances or chemicals listed in subsection 2 of section 195.400.

3. The department of health shall register an applicant to manufacture, distribute, sell, transfer, or otherwise furnish listed chemicals unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of controlled substances or chemicals listed in subsection 2 of section 195.400 into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable state and local law;

(3) Any convictions of an applicant under any federal or state laws relating to any controlled substance or chemicals listed in subsection 2 of section 195.400;

(4) Past experience in the manufacture or distribution of controlled substances or chemicals listed in subsection 2 of section 195.400 and the existence in the applicant's establishment of effective controls against diversion;

(5) Furnishing by the applicant of false or fraudulent material information in any application filed under section 195.405; and

(6) Any other factors that the department of health determines to be relevant to and consistent with the public health and safety.

4. Registration does not entitle a registrant to manufacture and distribute chemicals listed in subsection 2 of section 195.400 other than those specified in the registrant's registration.

5. A registration to manufacture, distribute, sell, transfer, or otherwise furnish or dispense a controlled substance or chemical listed in subsection 2 of section 195.400 may be suspended or revoked by the department of health upon a finding that the registrant has:

(1) Furnished false or fraudulent material information in any application filed under section 195.405;

(2) Been convicted of a felony under any state or federal law relating to any controlled substance or chemical listed in subsection 2 of section 195.400;

(3) Had his federal authority to manufacture, distribute or dispense controlled substances or chemicals listed in subsection 2 of section 195.400 suspended or revoked; or

(4) Violated any federal controlled substances or chemicals statute or regulation, or any provision of sections 195.005 to 195.425 or regulation promulgated pursuant to sections 195.005 to 195.425.

6. The department of health may limit revocation or suspension of a registration to a particular listed chemical with respect to which grounds for revocation or suspension exist.

7. If the department of health suspends or revokes a registration, all listed chemicals owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by the department and held pending final disposition of the case. No disposition may be made of chemicals under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon application therefor, orders the sale of perishable chemicals and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all chemicals may be forfeited to the state.

8. The department of health shall promptly notify the Drug Enforcement Administration, United States Department of Justice or their successor agencies, of all orders suspending or revoking registration and all forfeitures of controlled substances.

9. [Before denying, suspending or revoking a registration or refusing a renewal of registration, the department of health shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked or suspended or why the renewal should not be refused. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the department of health at a time and place not less than thirty days after the date of service of the order, but in the case of a denial or renewal of registration the show-cause order shall be served not later than thirty days before the expiration of the registration.] **A registration to manufacture or distribute listed chemicals may be suspended or revoked by the department of health upon a finding that the registrant:**

(1) Has furnished false or fraudulent material information in any application filed under sections 195.005 to 195.425;

(2) Has been convicted of a felony under any state or federal law relating to any controlled substance or listed chemical;

(3) Has had a federal registration to manufacture, distribute or dispense controlled substances or a federal registration to manufacture or distribute listed chemicals suspended or revoked; or

(4) Has violated any federal controlled substances or listed chemical statute or regulation, or any provision of sections 195.005 to 195.425 or regulation promulgated pursuant to sections 195.005 to 195.425.

10. [If the department of health shall refuse any person registration under sections 195.400 to 195.425, or shall revoke or suspend registration already issued under sections 195.400 to 195.425, the person shall have the right to seek a determination on such refusal, revocation or suspension by the administrative hearing commission.] **The department of health may:**

(1) Warn or censure a registrant;

(2) Limit a registration to particular listed chemicals;

(3) Limit revocation or suspension of a registration to a particular listed chemical with respect to which grounds for revocation or suspension exist;

(4) Restrict or limit a registration under such terms and conditions as the department of health considers appropriate for a period of five years;

(5) Suspend or revoke a registration for a period not to exceed five years; or

(6) Deny an application for registration.

In any order of revocation, the department of health may provide that the registrant may not apply for a new registration for one to five years following the date of such order. Any stay order shall toll this time period.

11. [If a determination is sought as provided in subsection 10 of this section, the department of health shall immediately certify all proceedings in reference to the cause to the administrative hearing commission.] **If the department of health suspends or revokes a registration, all listed chemicals owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by such agency and held pending final disposition of the case. No disposition may be made of chemicals under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon application therefor, orders the sale of perishable chemicals and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all chemicals may be forfeited to the state.**

12. The department of health may suspend without an order to show cause, any registration simultaneously with the institution of proceedings under subsection 5 of this section if the department of health finds that there is imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the

conclusion of the proceedings, including review of such proceedings unless sooner withdrawn by the department of health, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

570.030. 1. A person commits the crime of stealing if he appropriates property or services of another with the purpose to deprive him thereof, either without his consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he surreptitiously removed or attempted to remove his baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

(1) The value of the property or services appropriated is one hundred fifty dollars or more; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(h) Any book of registration or list of voters required by chapter 115, RSMo; or

(i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

(j) Live fish raised for commercial sale with a value of seventy-five dollars; or

(k) Any [narcotic drugs] **controlled substance** as defined by section 195.010, RSMo; otherwise, stealing is a class A misdemeanor.

4. The theft of any item of property or services under subsection 3 of this section which exceeds one hundred fifty dollars may be considered a separate felony and may be charged in separate counts.

5. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who

violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator McKenna, **HCS** for **HB 635**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Curls--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 831, with **SCA 1**, introduced by Representative Griesheimer, entitled:

An Act to repeal section 89.320, RSMo 1994, relating to planning commissions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Flotron.

SCA 1 was taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 831, Page 1, Section 89.320, Line 9, by inserting immediately after said line the following:

"Section 1. 1. Any city that maintains the city engineer or other similar city official on the planning commission shall have the authority to place any restriction upon the height, spacing and lighting of outdoor advertising structures placed within the view of any highway within the city. Such ordinance may be more restrictive than sections 226.500 to 226.600, RSMo.

2. No city that elects to govern outdoor advertising structures as provided in subsection 1 shall have the authority to impose a fee of more than five hundred dollars for the initial inspection of an outdoor advertising structure, nor may the city impose a business tax on an outdoor advertising structure of more than one hundred dollars per year."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator House offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Bill No. 831, Page 1, In the Title, Line 2, by striking "planning commissions" and inserting in lieu thereof the following: "powers of local governments"; and

Further amend said bill, page 1, section A, line 2, by inserting immediately after said line the following:

"64.170. For the purpose of promoting the public safety, health and general welfare, to protect life and property and to prevent the construction of fire hazardous buildings, the county commission in all counties of the first [and second class], **second or third classification**, as provided by law, is for this purpose empowered to adopt by order or ordinance regulations to control the construction, reconstruction, alteration or repair of any building or structure and any electrical wiring or electrical installation therein, and provide for the issuance of building permits and adopt regulations licensing persons, firms or corporations other than federal, state or local governments, public utilities and their contractors engaged in the business of electrical wiring or installations and provide for the inspection thereof and establish a schedule of permit, license and inspection fees and appoint a building commission to prepare the regulations, as herein provided.

64.175. 1. The governing body of each county of the third classification may vote, after public hearing, to adopt and enforce a building and electrical code of regulations created pursuant to subsection 2 of this section. Upon a majority vote of the governing body of a county of the third classification to adopt and enforce a building and electrical code of regulations created pursuant to subsection 2 of section 64.180, the governing body shall, after publication in a newspaper of general circulation in the county of a summary of the proposed building and electrical code or of a location where such code can be read by the public at least thirty days before such primary or general election, submit the question to the voters of the county at the next countywide primary or general election.

2. The voters of any county may, at any time upon their own initiative, present an initiative petition containing a minimum of ten percent of the registered voters' signatures that voted in the last gubernatorial election to the governing body of the county to place the issue of the adoption of a building and electrical code on the ballot at the next general election. Upon verification of the signatures on such petition by the county election authority, the initiative petition shall be deemed "qualifying" for purposes of this section.

3. After a majority vote of the governing body of the county of the third classification or the submission of a qualifying initiative petition by the voters of the county, the governing body of the county shall place on the ballot at the next general election the question in substantially the following form:

"Shall the county of (insert county name) adopt and enforce the building and electrical code proposed by the (insert county name) building commission?"

Yes No

4. Upon certification by the proper election authority of a majority vote in favor of the question, the county shall adopt and enforce the building and electrical code adopted by the voters.

64.205. [Sections] **Except for section 64.175, sections 64.170 to 64.200** shall apply to all counties of the first [and second class], **second and third classification.**"; and

Further amend title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Klarich raised the point of order that **SA 2** is out of order in that the amendment goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

On motion of Senator Flotron, **HB 831**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Caskey	Childers	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Mueller	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--26		

Nays--Senators

Clay	Lybyer	Quick	Rohrbach
Russell--5			

Absent--Senators

Banks	Bentley	Curls--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Mathewson resumed the Chair.

Senator McKenna moved that the Senate return to the Governor the appointment of Sheila Lumpe, pursuant to his request, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **HS** for **HCS** for **HB 738**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Caskey moved that **SCS** for **HS** for **HCS** for **HB 738**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HS** for **HCS** for **HB 738**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Goode	Jacob
Johnson	Mathewson	McKenna	Quick
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--19	

Nays--Senators

Childers	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Maxwell	Mueller	Rohrbach	Russell
Staples--13			

Absent--Senators

Curls	Flotron--2
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
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DePasco	Ehlmann	Goode	Jacob
Johnson	Mathewson	Maxwell	McKenna
Quick	Schneider	Sims	Singleton
Staples	Westfall	Wiggins--19	

Nays--Senators

Childers	Flotron	Graves	House
Howard	Kenney	Kinder	Klarich
Lybyer	Mueller	Rohrbach	Russell
Yeckel--13			

Absent--Senators

Curls	Scott--2
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Absent with leave--Senators--None

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 104, with **SCS**, introduced by Representative Bonner, entitled:

An Act to repeal section 556.037, RSMo 1994, relating to the statute of limitations for certain crimes, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator DePasco.

SCS for **HB 104**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 104

An Act to repeal section 556.037, RSMo 1994, relating to sexual offenses, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator DePasco moved that **SCS** for **HB 104** be adopted, which motion failed.

On motion of Senator DePasco, **HB 104** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
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Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Curls--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HS for **HB 389**, with **SCAs 1** and **2**, entitled:

An Act to repeal section 301.143, RSMo 1994, and sections 301.142 and 302.302, RSMo Supp. 1996, relating to parking for the physically disabled, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator House.

SCA 1 was taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Bill No. 389, Page 8, Section 302.302, Line 67, by adding after the end of said line the following:

"304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010, RSMo, upon the highways of this state, except as follows:

(1) All-terrain vehicles owned and operated by a governmental entity for official use;

(2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;

(3) All-terrain vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;

[(3)] (4) Governing bodies of cities may issue special permits to licensed drivers for special uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;

[(4)] (5) Governing bodies of counties may issue special permits to licensed drivers for special uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

2. No person shall operate an off-road vehicle within any stream or river in this state, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provision of this subsection within the geographic area of their jurisdiction.

3. A person operating an all-terrain vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, **except that a handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this section**, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

4. No person shall operate an all-terrain vehicle:

(1) In any careless way so as to endanger the person or property of another;

(2) While under the influence of alcohol or any controlled substance;

(3) Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen years of age.

5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

6. A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation."; and

Further amend said bill, by amending the titling and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

On motion of Senator House, **HS** for **HB 389**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Clay	Curls	DePasco	Lybyer--4
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Quick, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 141**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 141

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, with House Amendments Nos. 1, 2, 3, 4 and 5; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, with House Amendments Nos. 1, 2, 3, 4 and 5;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 141;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Ed Quick /s/ Joseph L. Treadway

/s/ Bill McKenna /s/ Stephen Stoll

/s/ Sidney Johnson /s/ Joan Barry

/s/ David J. Klarich /s/ Charles Nordwald

/s/ Walt Mueller /s/ Roy Holand

Senator Quick moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Nays--Senators--None

Absent--Senators--Curls--1

Absent with leave--Senators--None

On motion of Senator Quick, **CCS** for **HS** for **HCS** for **SCS** for **SB 141**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 141

An Act to repeal sections 327.031, 332.311, 334.031, 334.040, 334.080, 334.100, 334.715, 337.021, 337.035,

338.043, 338.057, 338.059, 338.060, 338.065, 338.070, 338.100, 338.120, 338.130, 338.140, 338.220, 338.365, 339.507, 339.525 and 620.140, RSMo 1994, and sections 331.030, 334.046, 334.655, 334.735, 334.740, 334.745 and 337.020, RSMo Supp. 1996, relating to the division of professional registration, and to enact in lieu thereof sixty-nine new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--Rohrbach--1

Absent--Senators--Curls--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

President Wilson resumed the Chair.

Senator Howard, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 218**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 218

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 218; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on the House Substitute for House Committee Substitute for Senate Bill No. 218;

2. That the Senate recede from its position on Senate Bill No. 218;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 218 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jerry Howard /s/ Wayne Crump

/s/ Bill McKenna /s/ Craig Hosmer

/s/ Mike Lybyer /s/ Don Kissell

/s/ Larry Rohrbach /s/ Mark Richardson

/s/ Franc Flotron /s/ Kenneth Legan

Senator Howard moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Curls	Flotron	McKenna--3
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Absent with leave--Senators--None

On motion of Senator Howard, **CCS** for **HS** for **HCS** for **SB 218**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 218

An Act to repeal sections 49.310, 67.582, 221.010, 221.111, 221.400, 221.405 and 221.410, RSMo 1994, relating to jails, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Bentley	Curls	Flotron--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 89**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 89

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 89, with House

Amendments Nos. 1, 2, 3 and 4; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 89, with House Amendments Nos. 1, 2, 3 and 4;
- 2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 89;
- 3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 89 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Morris Westfall /s/ Ken Legan
/s/ Harold Caskey /s/ Wayne Crump
/s/ John E. Scott /s/ Craig Hosmer
/s/ Jim Mathewson /s/ Kelly Parker
/s/ John T. Russell /s/ Mark Richardson

Senator Westfall moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
Nays--Senators--None			
Absent--Senators			
Curls	Flotron--2		
Absent with leave--Senators--None			

On motion of Senator Westfall, **CCS** for **HS** for **HCS** for **SCS** for **SB 89**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 89

An Act to repeal sections 49.310, 67.582, 221.010, 221.111, 221.400, 221.405, 221.410, 562.021 and 562.026, RSMo 1994, relating to criminal procedure, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Curls--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 165**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 207**, as amended: Representatives: Koller, Backer, Leake, Gaskill and Nordwald.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 208**, entitled:

An Act to repeal sections 41.435, 42.105, 42.135 and 173.215, RSMo 1994, and sections 173.239 and 313.835, RSMo Supp. 1996, relating to certain military benefits and other scholarships, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 2 and 3.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 208, Page 12, Section 1, Line 17, by adding immediately after said line:

"Section 2. Any rule or portion of a rule promulgated pursuant to this bill shall become effective only as provided pursuant to chapter 536, RSMo, including but not limited to section 536.028 RSMo., if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void."

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 208, Page 1, In the Title, Line 3, by inserting after the number "1996," the following: "and sections 376.1399 and 536.028 of senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eight-ninth general assembly and section 14 from senate amendment no. 26 to senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly,"; and

Further amend said bill, Page 12, Section 1, Line 17, by inserting after all of said line the following:

"Section B. Sections 376.1399 and 536.028 from senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly and section 14 from senate amendment no. 26 to senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly are repealed.

[376.1399. 1. The director may, after notice and hearing, promulgated reasonable rules to carry out the provisions of sections 376.1350 to 376.1390. The director shall have the authority to promulgate rules to accomplish the following purposes:

- (1) To regulate the internal affairs of the department of insurance;
- (2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and
- (3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections

376.1350 to 376.1390.

2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 376.1350 to 376.1390 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 376.1350 to 376.1390 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.]

[536.028. 1. The delegation of authority to any state agency to propose to the general assembly rules as provided under this section is contingent upon the agency complying with the provisions of this section and this delegation of legislative power to the agency to propose an order of rulemaking containing a rule or portion thereof that has the effect of substantive law, other than a rule relating to the agency's organization and internal management, is contingent and dependent upon the power of the general assembly to review such proposed order of rulemaking, to delay the effective date of such proposed order of rulemaking until the expiration of at least thirty legislative days of a regular session after such order is filed with the general assembly and the secretary of state, and to disapprove and annul any rule or portion thereof contained in such order of rulemaking.

2. No rule or portion of a rule that has the effect of substantive law shall become effective until the order of rulemaking, in which such rule or portion thereof is contained, has been reviewed by the general assembly in accordance with the procedures provided herein and the agency's authority to propose an order of rulemaking is dependent upon the power of the general assembly to disapprove and annul any such proposed rule or portion thereof as provided herein.

3. In order for the general assembly to have an effective opportunity to be advised of rules proposed by any state agency under the authority of this section, an agency may propose a rule by complying with the procedures provided in section 536.021, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy thereof to the joint committee on administrative rules which may hold hearings upon any proposed rule or portion thereof at any time. The agency shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information within the control of the agency as may be requested.

4. In order to propose an order of rulemaking to the general assembly, the agency shall comply with the provisions of section 536.021, except that the agency may file a proposed order of rulemaking with the secretary of state only by first filing such proposed order with the general assembly by providing a copy thereof to the secretary of the senate and the clerk of the house of representatives. The president pro tem of the senate shall direct that a copy of the proposed order of rulemaking be delivered to the joint committee on administrative rules which may hold hearings thereon. The agency shall cooperate with the committee by providing any witnesses, documents or information within the control of the agency as may be requested.

5. Such proposed order of rulemaking shall not become effective prior to the expiration of thirty legislative days of a regular session after such order is filed with the secretary of state and the general assembly.

6. The committee may, by majority vote of its members, recommend that the general assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and, upon a finding that such rule or portion thereof should be disapproved and annulled upon the following grounds:

(1) Such rule is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity; and

(2) Such rule or portion thereof is not in the public interest or is not authorized by the general assembly for one or

more of the following grounds:

- (a) An absence of statutory authority for the proposed rule;
- (b) The proposed rule is in conflict with state law;
- (c) Such proposed rule is likely to substantially endanger the public health, safety or welfare;
- (d) The rule exceeds the purpose, or is more restrictive than is necessary to carry out the purpose, of the statute granting rulemaking authority;
- (e) A substantial change in circumstance has occurred since enactment of the law upon which the proposed rule is based as to result in a conflict between the purpose of the law and the proposed rule, or as to create a substantial danger to public health and welfare;
- (f) The proposed rule is so arbitrary and capricious as to create such substantial inequity as to be unreasonably burdensome on persons affected.

7. Any recommendation or report issued by the committee pursuant to subsection 6 of this section shall be admissible as evidence in any judicial proceeding and entitled to judicial notice without further proof.

8. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and annul any rule or portion thereof upon one or more of the grounds stated in subsection 6 of this section.

9. Any rule or portion thereof not disapproved within thirty legislative days of a regular session pursuant to subsection 8 of this section shall be deemed approved by the general assembly and the secretary of state may publish such order of rulemaking as soon as practicable upon the expiration of thirty legislative days of a regular session after the order of rulemaking was filed with the secretary of state and the general assembly.

10. Upon adoption of such concurrent resolution as provided in subsection 8 of this section, the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor, or vetoed and subsequently acted upon by the general assembly pursuant to article III, section 32 of the Missouri Constitution. If such concurrent resolution is adopted and signed by the governor or reconsidered pursuant to article III, section 32, the secretary of state shall publish in the Missouri Register, as soon as practicable, the order of rulemaking along with notice of the proposed rules or portions thereof which are disapproved and annulled by the general assembly.

11. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable and the delegation of legislative authority to an agency to propose orders of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly to review, to delay the effective date or to disapprove and annul a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking pursuant thereto shall be invalid and void.

12. Nothing in this section shall prevent the general assembly from adopting by bill within thirty legislative days of a regular session the rules or portions thereof, or as the same may be amended, as contained in a proposed order of rulemaking. In that event, the proposed order of rulemaking shall have been superseded and any rule proposed therein shall be void and only such rules adopted by the general assembly and submitted to the governor may become effective. Rules so adopted shall be published by the secretary of state as soon as practicable. In that event, the secretary of state shall not publish the proposed order of rulemaking and such proposed order of rulemaking shall be invalid and void.

13. Upon adoption of any rule now in effect or hereafter promulgated, any such rule or portion thereof may be revoked by the general assembly either by bill, or by concurrent resolution pursuant to article IV, section 8 of the constitution on recommendation of the committee on administrative rules upon the grounds listed in subsection 6 of this

section. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the revocation.]

[Section 14. 1. The director may, after notice and hearing, promulgate reasonable rules to carry out the provisions of sections 1 to 11. The director shall have the authority to promulgate rules to accomplish the following purposes:

- (1) To regulate the internal affairs of the department of insurance;
- (2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and
- (3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 1 to 11.

2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 1 to 11 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 1 to 11 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.]".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 320**, entitled:

An Act to repeal sections 256.453, 256.468 and 256.471, RSMo 1994, relating to the registration of geologists, and to enact in lieu thereof three new sections relating to the same subject.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 320, Page 3, Lines 23 and 24, by striking said lines and inserting in lieu thereof the following:

"(2) has provided the board a summary of the actual geologic work demonstrating that the applicant has at least ten years of competent post-baccalureate experience in the practice of geology.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SBs 386** and **372**, entitled:

An Act to repeal sections 37.010, 103.059, 536.021, 536.022, 536.023 and 536.041, RSMo 1994, and sections 8.710, 29.100, 33.090, 34.050, 36.060, 36.070, 41.948, 43.509, 66.380, 160.272, 161.102, 173.081, 192.006, 207.021, 260.225, 262.470, 276.406, 287.650, 326.110, 333.111, 337.050, 361.105, 374.045, 454.400, 536.024, 536.025, 536.050, 620.010, 620.125, 630.050, 633.190, 640.010, 640.755, 643.050, 644.026, 650.005 and 660.017, RSMo Supp. 1996, and section 32.125, as both versions of such section appear in RSMo Supp. 1996, and sections 376.1399 and 536.028 from

senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly and section 14 from senate amendment no. 26 to senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly, relating to rulemaking, and to enact in lieu thereof fifty new sections relating to the same subject, with an emergency clause for certain sections.

In which the concurrence of the Senate is respectfully requested.

Emergency clause adopted.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HCS** for **HJR 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Jacob offered Senate Resolution No. 857, regarding Cara Weishaar, Columbia, which was adopted.

Senator Howard offered Senate Resolution No. 858, regarding Tina Minor, Cape Girardeau, which was adopted.

Senator Sims offered Senate Resolution No. 859, regarding Billie McAlister, St. Louis, which was adopted.

Senator Westfall offered Senate Resolution No. 860, regarding Stephanie Legan, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 861, regarding Kris Hiestand, Springfield, which was adopted.

Senator Singleton offered Senate Resolution No. 862, regarding John Weedn, Joplin, which was adopted.

Senator Russell offered Senate Resolution No. 863, regarding Radek Seda, Czech Republic in Europe, which was adopted.

Senator Rohrbach offered Senate Resolution No. 864, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Alfred Dickneite, St. Elizabeth, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Tommy Horton, Dexter.

Senator Johnson introduced to the Senate, eighty fourth grade students from Linn Creek Elementary School, Kansas City; and Cory Neugebauer, Erica Lindner, Krissy Turley and Christina Seume were made honorary pages.

Senator Russell introduced to the Senate, his son, Doug Russell, his wife, Kim, and their children, John, Jason and Jordan; and Sarah Fuller, William Dalton, Chris Null and Haliegh Carr, Lebanon.

Senator Kenney introduced to the Senate, Cathy Fletcher, Patty Hardy, Rise Stevenson, Collene Akard, Dan Erholtz, Susan Miller, Susan Sims, Candy Novotny and Matt Wilson, Lee's Summit.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Thursday, May 15, 1997.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIRST DAY--THURSDAY, MAY 15, 1997

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, the Apostle Paul wrote, "Every man shall receive his own reward according to his own labor." Lord, we pray that You will be with us that our labor not be in vain. Help us to accomplish something worthwhile. We seek Your wisdom, understanding, courage and power. Grant to us what is needed to do the very best job that can be done. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

RESOLUTIONS

Senator House offered Senate Resolution No. 865, regarding Jeff Pauls, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has dissolved the conference on **SS** for **SCS** for **HS** for **HCS** for **HB 335** as amended and has adopted the **SS** for **SCS** for **HS** for **HCS** for **HB 335** as amended and has again taken up and passed **SS** for **SCS** for **HS** for **HCS** for **HB 335** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HCS** for **HB 361** and has again taken up and passed **SCS** for **HS** for **HCS** for **HB 361**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HS** for **HB 850** and has again taken up and passed **SS** for **SCS** for **HS** for **HB 850**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 315**, as amended, and has taken up and passed **CCS** for **SB 315**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 387** and has taken up and passed **CCS** for **SB 387**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 11**, as amended, and has taken up and passed **CCS** for **SB 11**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **HCS** for **HB 557**.

With House Perfecting Amendments Nos. 1 and 2.

HOUSE PERFECTING AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 557, Page 10, Section 30.810, Line 3, by deleting the number "**30.769**" and inserting in lieu thereof the number "**30.767**"; and

Further amend said bill, Page 11, Section 348.015, Line 1, by deleting the number "348.005" and inserting in lieu

thereof the following: "[348.005] **348.015**"; and

Further amend said bill, Page 14, Section 348.400, Line 22, by inserting immediately before the word "**as**" the word "**Lender**"; and

Further amend said bill, Page 17, Section 348.410, Line 5, by deleting the number "**7**" and inserting in lieu thereof the number "**5**".

HOUSE PERFECTING AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 557, Page 19, Section 348.415, Line 9, by adding immediately after said line, the following:

"Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

Section 2. Any rule or portion of a rule promulgated pursuant to this bill shall become effective only as provided pursuant to chapter 536, RSMo, including but not limited to section 536.028 RSMo., if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void."

And further amend the bill by amending the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **HB 578**.

With House Perfecting Amendment No. 1.

HOUSE PERFECTING AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 578, Page 3, Section 1, Line 96, by adding immediately after said line, the following:

"Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as

defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

Section 2. Any rule or portion of a rule promulgated pursuant to this bill shall become effective only as provided pursuant to chapter 536, RSMo, including but not limited to section 536.028 RSMo., if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void."

And further amend the bill by amending the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House Conference Committee on **HS** for **HCS** for **HB 472** as amended was dissolved and the House request the Senate recede from Senate Amendment No. 1.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HS** for **HB 811**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **SCA 1**; **SCA 1**, as amended; **SSA 1** for **SCA 2**; **SSA 1** for **SCA 3**; **SCA 4**; **SA 1**; **SA 2**; **SA 3**; **SA 4**; **SA 1** to **SA 5**; **SA 5** a.a.; **SA 6**; **SA 7**; **SA 1** to **SA 8**; **SA 8** a.a.; to **HCS** for **HB 288** and request the Senate to recede from its position or, failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House recedes from its position on **HA 2** to **SB 128**, and has again taken up and passed **SB 128** as amended.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House recedes from its position on **HA 1**, as amended, to **SB 67**, and has again taken up and passed **SB 67** as amended.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 171**.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 171, Page 1, In the Title, Line 2, by deleting the word "section" and inserting in lieu thereof the following: "sections 327.101 and"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 327.101 and 429.015, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 327.101 and 429.015, to read"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"327.101. No person shall practice architecture in Missouri as defined in section 327.091 unless and until there is issued to [him] **the person** a certificate of registration or a certificate of authority certifying that [he] **the person** has been duly registered as an architect or authorized to practice architecture, in Missouri, and unless such certificate has been renewed as hereinafter specified; provided, however, that nothing in this chapter shall apply to the following persons:

(1) Any person who is an employee of a person holding a currently valid certificate of registration as an architect or who is an employee of any person holding a currently valid certificate of authority [under] **pursuant to** this chapter, and who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid certificate of registration as an architect [under] **pursuant to** this chapter;

(2) Any person who is a regular full-time employee who performs architectural work for [his] **the person's** employer if and only if all such work and service so performed is in connection with a facility owned or wholly operated by the employer and which is occupied by the employer of the employee performing such work or service, and if and only if such work and service so performed do not endanger the public health or safety;

(3) Any holder of a currently valid certificate as a registered professional engineer who performs only such architectural work as is incidental and necessary to the completion of engineering work lawfully being performed by such registered professional engineer;

(4) Any person who is a landscape architect, city planner or regional planner who performs work consisting only of consultations concerning and preparation of master plans for parks, land areas or communities, or the preparation of plans for and the supervision of the planting and grading or the construction of walks and paving for parks or land areas and such other minor structural features as fences, steps, walls, small decorative pools and other construction not involving structural design or stability and which is usually and customarily included within the area of work of a landscape architect or planner;

(5) Any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building described in paragraphs (a), (b), (c), (d), and (e) which follow, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that [he] **the person** is not a registered architect:

(a) A dwelling house; or

(b) A multiple family dwelling house, flat or apartment containing not more than two families; or

(c) A commercial or industrial building or structure which provides for the employment, assembly, housing, sleeping or eating of not more than nine persons; or

(d) Any one structure containing less than twenty thousand cubic feet, except as provided in (b) and (c) above, and which is not a part or a portion of a project which contains more than one structure; or

(e) A building or structure used exclusively for farm purposes[.];

(6) Any person who renders architectural services in connection with the remodeling or repairing of any privately owned building described in paragraphs (a), (c), (d) and (e) of subdivision (5) of this section or for a multiple family dwelling house, flat or apartment containing not more than four families, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a registered architect."

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 171, Page 4, Section 429.015, Line 86, by inserting after said line:

"8) The agreement is in writing".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SCS** for **SBs 49, 213, 130, 32, 235** and **221**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SCS** for **SBs 49, 213, 130, 32, 235** and **221**, as amended: Representatives: Crump, Leake, Koller, Marble and Lograsso.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **SB 358**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SB 358**, as amended: Representatives: Gratz, Luetkenhaus, Dougherty, Griesheimer and Hartzler (124).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 165**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 165**, as amended: Representatives: Rizzo, Scheve, Tate, Cooper and Pouche.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 275**.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SB 358**, as amended: Senators Curls, Howard, Jacob, Rohrbach and Sims.

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HS** for **SCS** for **SBs 49, 213, 130, 32, 235** and **221**, as amended: Senators Staples, Kinder, McKenna, DePasco and Yeckel.

PRIVILEGED MOTIONS

Senator Quick moved that the Senate refuse to recede from its position on **SS** for **HS** for **HB 811**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SS** for **HS** for **HB 811**, as amended: Senators Quick, Caskey, Staples, Sims and Yeckel.

Senator Quick announced that photographers from the Senate and the Associated Press had been given permission to take pictures in the Senate Chamber today.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SA 1** to **SCA 1**; **SCA 1**, as amended; **SSA 1** for **SCA 2**; **SSA 1** for **SCA 3**; **SCA 4**; **SA 1**; **SA 2**; **SA 3**; **SA 4**; **SA 1** to **SA 5**; **SA 5** a.a.; **SA 6**; **SA 7**; **SA 1** to **SA 8**; **SA 8** a.a. to **HCS** for **HB 288** and grant the House a conference thereon, which motion prevailed.

Senator Klarich moved that the Senate recede from its position on **SA 1** to **HS** for **HCS** for **HB 472**, as amended, which motion prevailed.

On motion of Senator Klarich, **HS** for **HCS** for **HB 472**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob

Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators--Clay--1

Absent with leave--Senators--Flotron--1

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Banks moved that **HB 32**, with **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Maxwell, the above amendment was withdrawn.

Senator Banks offered **SS** for **SCS** for **HB 32**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 32

An Act relating to certain health care providers.

Senator Banks moved that **SS** for **SCS** for **HB 32** be adopted.

Senator Wiggins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 32, Page 4, Section 6, Line 4, by inserting after all of said line the following:

"Section 7. No physician shall perform an abortion unless the physician first obtains a medical malpractice insurance policy covering personal injury or death to the physician's abortion patients arising out of the

rendering of or the failure to render health care services by the physician while performing abortions. The insurance policy shall be sufficient to satisfy a damage award of five hundred thousand dollars."

Senator Wiggins moved that the above amendment be adopted.

Senator Banks raised the point of order that **SA 1** is out of order in that it goes beyond the subject matter of the bill.

The point of order was referred to the President Pro Tem.

Senator Jacob raised the point of order that **SA 1** is out of order in that it is incorrectly drafted.

The point of order was referred to the President Pro Tem.

President Wilson assumed the Chair.

President McKenna resumed the Chair.

The President Pro Tem ruled the point of order raised by Senator Banks well taken and the point of order raised by Senator Jacob well taken.

Senator Mueller offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 32, Page 3, Section 2, Line 22, by deleting all of said line; and

Further amend said bill, page 4, Section 2, lines 1-13, by deleting all of said lines and place in lieu thereof:

"(9) Meet the following quality standards in accordance with guidelines established by the Missouri Board of Healing Arts."

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 32, Page 1, In the Title, Line 2, by striking all of said line and inserting in lieu thereof the following:

"To repeal section 191.227, RSMo 1994, relating to certain health care providers, and to enact in lieu thereof seven new sections relating to the same subject."; and

Further amend said bill, Page 1, Section 1, Line 1, by inserting immediately before all of said line the following:

"Section A. Section 191.227, RSMo 1994, is repealed and seven new sections enacted in lieu thereof, to be known as sections 191.227, 1, 2, 3, 4, 5 and 6, to read as follows:

191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. [Beginning August 28, 1994,] Such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a handling fee of [fifteen] **twenty-five** dollars plus a fee of thirty-five cents per page for copies of documents made on a standard photocopy machine.

2. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section."

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 32, at the end, by inserting after all of said line the following:

"334.253. 1. A physician may not make a referral to an entity for the furnishing of any physical therapy services with whom the physician, physician's employer, or immediate family member of such referring physician has a financial relationship. A financial relationship exists if the referring physician, the referring physician's employer, or immediate family member:

(1) Has a direct or indirect ownership or investment interest in the entity whether through equity, debt, or other means; or

(2) Receives remuneration from a compensation arrangement from the entity for the referral.

2. The following financial arrangements shall be exempt from disciplinary action under this section:

(1) When the entity with whom the referring physician has an ownership or investment interest is the sole provider of the physical therapy service within a rural area;

(2) When the referring physician owns registered securities issued by a publicly held corporation or publicly traded limited partnership, the shares of which are traded on a national exchange or the over-the-counter market, provided that such referring physician's interest in the publicly held corporation or publicly traded limited partnership is less than five percent and the referring physician does not receive any compensation from such publicly held corporation or publicly traded limited partnership other than as any other owner of the shares of such publicly held corporation or publicly traded limited partnership;

(3) When the referring physician has an interest in real property resulting in a landlord-tenant relationship between the physician and the entity in which the equity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant or is otherwise unrelated to fair market value;

(4) When the indirect ownership in the entity is by means of a bona fide debt incurred in the purchase or acquisition of the entity for a price which does not in any manner reflect the potential source of referrals from the physician with the indirect interest in the entity and the terms of the debt are fair market value, and neither the amount or the terms of the debt in any manner, directly or indirectly, constitutes a form of compensating such physician for the source of his business;

(5) When such physician's employer is a health maintenance organization as defined in subdivision (6) of section 376.960, RSMo, and such health maintenance organization owns or controls other organizations which furnish physical therapy services so long as the referral is to such owned or controlled organization and the physician does not also have a direct or indirect ownership or investment interest in such organization, physical therapy services or the health maintenance organization and the referring physician does not receive any remuneration as the result of the referral;

(6) When such physician's employer is a hospital defined in section 197.020, RSMo, and such hospital owns or controls other organizations which furnish physical therapy services so long as the referral is to such owned or controlled organization and the physician does not also have a direct or indirect ownership or investment interest in such organization, physical therapy service, or the hospital and the referring physician does not receive any remuneration as the result of the referral.

3. [The provisions of sections 334.252 and 334.253 shall become effective January 1, 1995] **The provisions of this section shall not apply to psychiatrists.**"; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Seantor Caskey raised the point of order that **SA 4** is out of order in that the amendment goes beyond the scope and purpose of the original bill.

President Pro Tem McKenna ruled the point of order well taken.

Senator Maxwell offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 32, Page 7, Section 6, Line 6, by inserting immediately after said line the following:

"Section B. Sections 376.1399 and 536.028 from senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly and section 14 from senate amendment no. 26 to senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly are repealed and two new sections enacted in lieu thereof, to be known as sections 376.1399 and 14, to read as follows:

376.1399. The director may, after notice and hearing, promulgate reasonable rules to carry out the provisions of sections 376.1350 to 376.1390. Any rule or portion of a rule promulgated shall become effective only as provided in chapter 536, RSMo.

[376.1399. 1. The director may, after notice and hearing, promulgated reasonable rules to carry out the provisions of sections 376.1350 to 376.1390. The director shall have the authority to promulgate rules to accomplish the following purposes:

(1) To regulate the internal affairs of the department of insurance;

(2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and

(3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 376.1350 to 376.1390.

2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 376.1350 to 376.1390 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 376.1350 to 376.1390 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable

and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.]

[536.028. 1. The delegation of authority to any state agency to propose to the general assembly rules as provided under this section is contingent upon the agency complying with the provisions of this section and this delegation of legislative power to the agency to propose an order of rulemaking containing a rule or portion thereof that has the effect of substantive law, other than a rule relating to the agency's organization and internal management, is contingent and dependent upon the power of the general assembly to review such proposed order of rulemaking, to delay the effective date of such proposed order of rulemaking until the expiration of at least thirty legislative days of a regular session after such order is filed with the general assembly and the secretary of state, and to disapprove and annul any rule or portion thereof contained in such order of rulemaking.

2. No rule or portion of a rule that has the effect of substantive law shall become effective until the order of rulemaking, in which such rule or portion thereof is contained, has been reviewed by the general assembly in accordance with the procedures provided herein and the agency's authority to propose an order of rulemaking is dependent upon the power of the general assembly to disapprove and annul any such proposed rule or portion thereof as provided herein.

3. In order for the general assembly to have an effective opportunity to be advised of rules proposed by any state agency under the authority of this section, an agency may propose a rule by complying with the procedures provided in section 536.021, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy thereof to the joint committee on administrative rules which may hold hearings upon any proposed rule or portion thereof at any time. The agency shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information within the control of the agency as may be requested.

4. In order to propose an order of rulemaking to the general assembly, the agency shall comply with the provisions of section 536.021, except that the agency may file a proposed order of rulemaking with the secretary of state only by first filing such proposed order with the general assembly by providing a copy thereof to the secretary of the senate and the clerk of the house of representatives. The president pro tem of the senate shall direct that a copy of the proposed order of rulemaking be delivered to the joint committee on administrative rules which may hold hearings thereon. The agency shall cooperate with the committee by providing any witnesses, documents or information within the control of the agency as may be requested.

5. Such proposed order of rulemaking shall not become effective prior to the expiration of thirty legislative days of a regular session after such order is filed with the secretary of state and the general assembly.

6. The committee may, by majority vote of its members, recommend that the general assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and, upon a finding that such rule or portion thereof should be disapproved and annulled upon the following grounds:

(1) Such rule is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity; and

(2) Such rule or portion thereof is not in the public interest or is not authorized by the general assembly for one or more of the following grounds:

(a) An absence of statutory authority for the proposed rule;

(b) The proposed rule is in conflict with state law;

(c) Such proposed rule is likely to substantially endanger the public health, safety or welfare;

(d) The rule exceeds the purpose, or is more restrictive than is necessary to carry out the purpose, of the statute granting rulemaking authority;

(e) A substantial change in circumstance has occurred since enactment of the law upon which the proposed rule is based as to result in a conflict between the purpose of the law and the proposed rule, or as to create a substantial danger to public health and welfare;

(f) The proposed rule is so arbitrary and capricious as to create such substantial inequity as to be unreasonably burdensome on persons affected.

7. Any recommendation or report issued by the committee pursuant to subsection 6 of this section shall be admissible as evidence in any judicial proceeding and entitled to judicial notice without further proof.

8. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and annul any rule or portion thereof upon one or more of the grounds stated in subsection 6 of this section.

9. Any rule or portion thereof not disapproved within thirty legislative days of a regular session pursuant to subsection 8 of this section shall be deemed approved by the general assembly and the secretary of state may publish such order of rulemaking as soon as practicable upon the expiration of thirty legislative days of a regular session after the order of rulemaking was filed with the secretary of state and the general assembly.

10. Upon adoption of such concurrent resolution as provided in subsection 8 of this section, the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor, or vetoed and subsequently acted upon by the general assembly pursuant to article III, section 32 of the Missouri Constitution. If such concurrent resolution is adopted and signed by the governor or reconsidered pursuant to article III, section 32, the secretary of state shall publish in the Missouri Register, as soon as practicable, the order of rulemaking along with notice of the proposed rules or portions thereof which are disapproved and annulled by the general assembly.

11. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable and the delegation of legislative authority to an agency to propose orders of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly to review, to delay the effective date or to disapprove and annul a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking pursuant thereto shall be invalid and void.

12. Nothing in this section shall prevent the general assembly from adopting by bill within thirty legislative days of a regular session the rules or portions thereof, or as the same may be amended, as contained in a proposed order of rulemaking. In that event, the proposed order of rulemaking shall have been superseded and any rule proposed therein shall be void and only such rules adopted by the general assembly and submitted to the governor may become effective. Rules so adopted shall be published by the secretary of state as soon as practicable. In that event, the secretary of state shall not publish the proposed order of rulemaking and such proposed order of rulemaking shall be invalid and void.

13. Upon adoption of any rule now in effect or hereafter promulgated, any such rule or portion thereof may be revoked by the general assembly either by bill, or by concurrent resolution pursuant to article IV, section 8 of the constitution on recommendation of the committee on administrative rules upon the grounds listed in subsection 6 of this section. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the revocation.]

Section 14. The director may, after notice and hearing, promulgate reasonable rules to carry out the provisions of sections 1 to 11. Any rule or portion of a rule promulgated shall become effective only as provided in chapter 536, RSMo.

[Section 14. 1. The director may, after notice and hearing, promulgate reasonable rules to carry out the provisions of sections 1 to 11. The director shall have the authority to promulgate rules to accomplish the following purposes:

(1) To regulate the internal affairs of the department of insurance;

- (2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and
- (3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 1 to 11.

2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 1 to 11 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 1 to 11 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.]; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 5** is out of order in that it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Maxwell, **SA 5** was withdrawn.

Senator Jacob offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 32, at the end, by inserting after all of said line the following:

"334.253. 1. A physician may not make a referral to an entity for the furnishing of any physical therapy services with whom the physician, physician's employer, or immediate family member of such referring physician has a financial relationship. A financial relationship exists if the referring physician, the referring physician's employer, or immediate family member:

(1) Has a direct or indirect ownership or investment interest in the entity whether through equity, debt, or other means; or

(2) Receives remuneration from a compensation arrangement from the entity for the referral.

2. The following financial arrangements shall be exempt from disciplinary action under this section:

(1) When the entity with whom the referring physician has an ownership or investment interest is the sole provider of the physical therapy service within a rural area;

(2) When the referring physician owns registered securities issued by a publicly held corporation or publicly traded limited partnership, the shares of which are traded on a national exchange or the over-the-counter market, provided that such referring physician's interest in the publicly held corporation or publicly traded limited partnership is less than five percent and the referring physician does not receive any compensation from such publicly held corporation or publicly traded limited partnership other than as any other owner of the shares of such publicly held corporation or publicly traded limited partnership;

(3) When the referring physician has an interest in real property resulting in a landlord-tenant relationship between the physician and the entity in which the equity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant or is otherwise unrelated to fair market value;

(4) When the indirect ownership in the entity is by means of a bona fide debt incurred in the purchase or acquisition of the entity for a price which does not in any manner reflect the potential source of referrals from the physician with the indirect interest in the entity and the terms of the debt are fair market value, and neither the amount or the terms of the debt in any manner, directly or indirectly, constitutes a form of compensating such physician for the source of his business;

(5) When such physician's employer is a health maintenance organization as defined in subdivision (6) of section 376.960, RSMo, and such health maintenance organization owns or controls other organizations which furnish physical therapy services so long as the referral is to such owned or controlled organization and the physician does not also have a direct or indirect ownership or investment interest in such organization, physical therapy services or the health maintenance organization and the referring physician does not receive any remuneration as the result of the referral;

(6) When such physician's employer is a hospital defined in section 197.020, RSMo, and such hospital owns or controls other organizations which furnish physical therapy services so long as the referral is to such owned or controlled organization and the physician does not also have a direct or indirect ownership or investment interest in such organization, physical therapy service, or the hospital and the referring physician does not receive any remuneration as the result of the referral.

3. [The provisions of sections 334.252 and 334.253 shall become effective January 1, 1995] **The provisions of this section shall not apply to psychiatrists or to any essential community provider.**"; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 32, Page 5, Section 4, Line 19, by inserting following said line:

"No healthcare insurer shall be required to offer a provider contract to an essential community provider."

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

President Wilson resumed the Chair.

Senator Banks moved that **SS** for **SCS** for **HB 32**, as amended, be adopted, which motion prevailed.

On motion of Senator Banks, **SS** for **SCS** for **HB 32**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Lybyer

Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			

Nays--Senators

Kinder	Mueller--2
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Absent--Senators

Bentley	McKenna--2
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Absent with leave--Senators--Flotron--1

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Maxwell moved that the vote to lay on the table the motion to reconsider the vote by which **HJR 11** passed be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Goode
Graves	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators

Clay	House--2
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Absent--Senators--McKenna--1

Absent with leave--Senators--Flotron--1

Having voted on the prevailing side, Senator Maxwell moved that the vote by which the title to **HJR 11** was agreed to be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Curls
DePasco	Ehlmann	Goode	Graves
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--28

Nays--Senators

Clay	House--2
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Absent--Senators

Bentley	Mathewson	Staples--3
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Absent with leave--Senators--Flotron--1

Having voted on the prevailing side, Senator Maxwell moved that the vote by which **HJR 11** was read the third time and finally passed be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	Howard	Jacob	Johnson
Kenney	Kinder	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--House--1

Absent--Senators

Curls	Klarich--2
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Absent with leave--Senators--Flotron--1

Having voted on the prevailing side, Senator Maxwell moved that the vote by which **SA 1** was adopted be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	Howard	Jacob
Johnson	Kenney	Klarich	Lybyer
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators--House--1

Absent--Senators

Kinder McKenna Scott--3

Absent with leave--Senators--Flotron--1

SA 1 was again taken up.

Senator Maxwell offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend House Joint Resolution No. 11, Page 1, In the Title, Line 3, by striking the following: "joint municipal utility commission revenue bonds" and inserting in lieu thereof the following: "the provisions of certain public services"; and

Further amend said bill and page, the preamble, line 4, by striking the following: "the following amendment" and inserting in lieu thereof the following: "by two separate questions, the following amendments"; and

Further amend said bill, page 2, section 27, line 22, by inserting immediately after all of said line the following:

"Section B. Article VI, Constitution of Missouri, is amended by adding thereto one new section, to be known as section 30(c), to read as follows:

Section 30(c). Any entity created pursuant to Article VI, Section 30(a) of this Constitution which adopts or has adopted a charter for its own government, shall have all powers which the general assembly of the state of Missouri has authority to confer upon such entity, provided such powers are consistent with the constitution of this state and are not limited or denied either by the charter so adopted or by statute."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above substitute amendment be adopted, which motion prevailed.

On motion of Senator Maxwell, **HJR 11**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls Staples--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 411**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 411**, entitled:

An Act to repeal sections 193.085, 193.087, 193.145, 193.215, 210.822, 210.832, 210.834, 210.839, 210.841, 210.842, 285.300, 285.302, 285.304, 288.250, 451.040, 452.305, 452.315, 452.345, 452.350, 452.370, 454.410, 454.415, 454.425, 454.440, 454.500, 454.455, 454.460, 454.465, 454.470, 454.475, 454.476, 454.485, 454.490, 454.495, 454.496, 454.505, 454.512, 454.513, 454.514, 454.515, 454.516, 454.517, 454.518, 454.519, 454.603, 454.808, 486.225 and 620.145, RSMo 1994, and sections 210.842, 452.345, 454.400, 454.850, 454.855, 454.860, 454.862, 454.867, 454.869, 454.871, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.927, 454.930, 454.932, 454.935,

454.937, 454.940, 454.942, 454.945, 454.947, 454.950, 454.952, 454.955, 454.957, 454.960, 454.962, 454.965, 454.967, 454.970, 454.972, 454.975, 454.977, 454.979, and 454.980, RSMo Supp. 1996, and to enact in lieu thereof one hundred twenty-nine new sections for the purpose of complying with federal mandates for child support enforcement, with penalty provisions, an effective date for certain sections and an emergency clause.

Was taken up by Senator Caskey.

Senator Caskey offered **SS** for **HCS** for **HB 411**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 411

An Act to repeal sections 193.085, 193.087, 193.145, 193.215, 210.822, 210.832, 210.834, 210.839, 210.841, 210.842, 285.300, 285.302, 285.304, 288.250, 301.020, 301.190, 379.116, 451.040, 452.305, 452.315, 452.345, 452.350, 452.370, 454.410, 454.415, 454.425, 454.440, 454.500, 454.455, 454.460, 454.465, 454.470, 454.475, 454.476, 454.485, 454.490, 454.495, 454.496, 454.505, 454.512, 454.513, 454.514, 454.515, 454.516, 454.517, 454.518, 454.519, 454.603, 454.808, 486.225 and 620.145, RSMo 1994, and sections 210.842, 452.340, 452.345, 454.400, 454.850, 454.855, 454.860, 454.862, 454.867, 454.869, 454.871, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.927, 454.930, 454.932, 454.935, 454.937, 454.940, 454.942, 454.945, 454.947, 454.950, 454.952, 454.955, 454.957, 454.960, 454.962, 454.965, 454.967, 454.970, 454.972, 454.975, 454.977, 454.979, and 454.980, RSMo Supp. 1996, and to enact in lieu thereof one hundred thirty-eight new sections for the purpose of complying with federal mandates for child support enforcement, with penalty provisions, an effective date for certain sections and an emergency clause.

Senator Caskey moved that **SS** for **HCS** for **HB 411** be adopted.

Senator Maxwell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 411, Page 3, Section A, Line 4 of said page, by inserting immediately after all of said line the following:

"30.255. Beginning July 1, 1998, the state treasurer shall, when making a new deposit of state funds, continuing an existing demand deposit of state funds, or renewing an existing time deposit of state funds beyond the expiration date of the deposit in any financial institution, review and consider the depository institutions' lending record, giving consideration to, among other factors, whether:

(1) The institution has been given by the appropriate federal regulatory agency a written evaluation of the institution's record of meeting the credit needs of its entire community, including low and moderate income neighborhoods, pursuant to the federal Community Reinvestment Act of 1977, as amended, 12 U.S.C. 2905; and

(2) The most recent evaluation of the institution includes a rating of "needs to improve record of meeting community credit needs" or "substantial noncompliance of meeting community credit needs", or categories substantially comparable if said federal law is amended.

135.240. The provisions of subdivision (3) of section 135.225 and section 135.230 shall apply to employees determined to:

(1) Be difficult to employ. For the purpose of this section, "a person difficult to employ" shall mean a person who was unemployed for at least three months immediately prior to being employed at the new business facility in the

enterprise zone; or

(2) Be eligible for **public assistance in accordance with eligibility standards for aid to families with dependent children in effect on July 16, 1996 or be eligible for funds from the temporary assistance for needy families block grant program** or general relief programs.

167.260. 1. Any local school district offering to all pupils who are eligible by age pursuant to section 163.017, RSMo a full day of kindergarten within the school calendar as prepared pursuant to section 171.031, RSMo, shall be eligible for state aid for a program for developmentally delayed **and free reduced price lunch eligible** children ages three and four as defined in section 178.691, RSMo, and for children from at-risk families as defined in section 167.273. State aid shall be provided for no more than a half-day program within the district's school calendar. At a minimum such eligible child shall reach the age of three before the first day of [October] **August** prior to the start of the school year. Such program shall emphasize social skills, physical development and preparation for kindergarten.

2. Any school district offering instruction to children ages three and four shall receive subject to appropriations additional state aid based on the count of children ages three and four enrolled in the district's program and eligible for free and reduced price lunch divided by two multiplied by the guaranteed tax base as defined in subsection (7) of section 163.011, RSMo, multiplied by the operation levy for school purposes as defined in subsection (9) of section 163.011, RSMo.

[2.] **3.** The state board of education shall approve such programs and distribute state aid."; and

Further amend said bill, Page 12, Section 193.215, Line 25 of said page, by inserting immediately after all of said line the following:

"205.770. 1. In any county of the second class in this state there may be created and established by order of the county commission of any such county a board which shall be styled "The Social Welfare Board of the County of".

2. [All powers and duties connected with and incident to the betterment of social and physical causes of dependency, the relief and care of the indigent, and the care of sick dependents, with the exception of the mentally ill and those suffering with contagious, infectious and transmissible diseases shall be exclusively invested in and exercised by the board.

3.] The board shall have power to receive and expend donations for social welfare **and medical** purposes and shall have [exclusive] control over the distribution and expenditure of any public funds set aside and appropriated by such counties and by any city located in any such county for the relief of the temporarily dependent. The board shall have power to promote the general welfare of the poor within the limits of such counties by [social and sanitary reforms, by industrial instruction, by the inculcation of habits of providence and self-dependence, and by the establishment and maintenance of any activities to these ends] **providing medical care and emergency assistance**. The board shall have power to sue and be sued, complain and defend in all courts, to assume the care of or take, by gift, grant, devise, bequest or otherwise, any money, real estate, personal property, right of property, or other valuable things, and may use, enjoy, control, sell or convey the same for charitable purposes, to have and to use a common seal and alter the same at pleasure.

[4.] **3.** The board may make bylaws for its own guidance, rules and regulations for the government of its agents, servants and employees, and for the distribution of the funds under its control.

[5.] **4.** If any second class county which has established a social welfare board pursuant to the provisions of this section, subsequently becomes a first class or a third class county, such county may retain its social welfare board and continue to function pursuant to the provisions of sections 205.770 to 205.840.

205.780. [Said] **This** board shall have the [exclusive] power to make [all suitable provisions for the relief, maintenance and support of all indigent persons within said county and within any city in said county who may appropriate for the support of said board, and to make suitable provisions for the care and maintenance to the sick

dependents and those who are unable to support themselves; to enforce the laws of the state, the ordinances of such cities located within said county, in regard to the indigent, and to make] such rules and regulations in the conduct of its business not inconsistent with the laws of the state of Missouri and the ordinances of such cities[; to have exclusive control, care and management of all public hospitals owned or operated by said counties or said cities, except those for the care of the insane and those suffering with contagious, infectious and transmissible diseases; to recommend to the common council of said city the passage of such ordinances as said board may deem necessary for the welfare of the indigent of said city; to]. **This board will** have the power to appoint competent physicians and surgeons, who shall hold their office at the pleasure of said board, at a salary to be fixed by said board, and said physicians and surgeons shall perform such duties as may be prescribed by said board, and shall render medical attendance to all those who may come within the provisions of this law; [said] **this** board shall have the power and it shall be the duty of [said] **this** board to employ and discharge all persons or officers in their judgment necessary to carry out the matters over which [said] **this** board is given jurisdiction or control.

205.790. 1. [Said] **This** board shall be nonpartisan and nonsectarian in character, and the members and officers thereof shall receive no compensation as such.

2. [Said] **This** board shall consist of the mayor of such cities and the presiding commissioner of the county commission of such counties, who shall be ex officio members thereof, and six other members, three of whom shall be appointed by the county commission of such counties, who shall hold office, one for one year, one for two years and one for three years, whose terms of office shall be designated by such county commission, three by the mayor and common council of such cities, who shall hold office, one for one year, one for two years and one for three years, whose terms of office shall be designated by the mayor.

3. Whenever the term of office of any member so appointed expires, the appointment of his successor shall be for three years. All such appointments shall date from the first of June following their appointment.

4. Vacancies from any causes shall be filled in like manner as original appointment. The mayor may, for misconduct or neglect of duty, remove any member appointed by him in the manner required for removal of officers of such cities. The county commission may, by a majority vote, for misconduct or neglect of duty, remove any member appointed by them.

205.820. It shall be the duty of said board to keep a record of its proceedings and of its receipts, expenditures and operations, and shall annually render a full and complete itemized report, stating the condition of their trust, together with such other suggestions as they may deem of general interest to the mayor and [common] **city** council of said cities and the county commission of said counties; provided, said board shall render reports concerning receipts, expenditures, operations, etc., whenever called for by the [common] **city** council of said cities or the county commission of said counties.

205.830. 1. It shall be the duty of said board, when any person by himself, herself, or another apply for relief to make immediate inquiry [into the state and circumstances of the applicant, and if it shall appear that he or she is in such indigent circumstances as to require temporary relief, the said board shall furnish, out of the funds in their hands, such relief as the circumstances of the case may require; provided, that in all cases where the applicant for aid may be found dependent and said applicant or member of said applicant's family is an able-bodied male person capable of performing manual labor, said board shall require such person to perform work to the value of the aid given, and the city engineer and the street commissioners of such cities in their respective departments are required to utilize the services of such able-bodied persons upon receiving notice from said board that such person has received or is entitled to such aid. Where the applicant or a member of the applicant's family is an able-bodied female, said board shall, whenever practicable, require that labor to the value of the aid given be performed. They shall make investigations of cases of dependence for individuals or other charitable organizations and furnish such reports upon the same as in their judgment seems advisable.

2. Their office shall be a center of intercommunication between the various charitable agencies in the city. They shall foster harmonious cooperation between them and endeavor to eradicate the evils of overlapping relief, and for this purpose shall maintain a confidential registration bureau.

3. When it is impossible to repress mendicancy by the above means they shall prosecute imposters. They shall carefully work out such plans for helping families to self-dependence as may seem most practicable. They shall make concentrated attack on social causes of hardship, such as unsanitary housing, child labor, extortionate charges by pawnshops, salary loan and chattel mortgage agreements] **to determine if such person is eligible for such relief.**

207.010. The [division of family services is an integral part of the] department of social services [and] shall have and exercise all the powers and duties necessary to carry out fully and effectively the purposes assigned to it by law and shall be the state agency to:

(1) Administer state plans and laws involving [aid to dependent children] **the Missouri families work program and any program established subsequent to the passage of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;**

(2) Aid or relief in case of public calamity;

(3) Aid for direct relief;

(4) Child welfare services;

(5) Social services to families and adults;

(6) Pensions and services for the blind; and

(7) Any other duties relating to public assistance and social services which may be imposed upon the department of social services.

208.010. 1. In determining the eligibility of a claimant for public assistance [under this law] **pursuant to this chapter**, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including [his] **the claimant's** living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished under sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the division of family services may provide by rule or regulation the amount of income or resources to be disregarded. **In determining the eligibility of a claimant pursuant to this section, the division of family services shall make all appropriate inquiries with the division of employment security, department of revenue and other such agencies and divisions prior to the issuance of such public assistance benefits. Should benefits be awarded on a temporary or emergency basis, such eligibility for benefits shall be terminated within thirty days unless the determining division has reverified and substantiated a continued need.**

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom [he] **the claimant** is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions [under]

pursuant to subdivisions (4) and (5) of this subsection, and subsection 4 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance [under] **pursuant to** this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average medicaid payment in the state at the time of the investigation to an individual or on his **or her** behalf [under] **pursuant to** the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of **this** subsection [2 of this section] shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom [he] **the claimant** is living has received, benefits to which [he] **the claimant** was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible [under] **pursuant to** this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of one thousand dollars or more; provided, however, that if such person is married and living with spouse, he **or she** or they, individually or jointly, may own resources not to exceed two thousand dollars; and provided further, that in the case of an [aid to families with dependent children claimant] **individuals receiving benefits through the work first program**, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, or has an interest in property, of which [he] **the claimant** is the record or beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of [aid to families with dependent children] **individuals receiving benefits through the work first program**, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he **or she** is a record or beneficial owner, the value of such property, **less encumbrances of record and excluding the home occupied by the claimant**, as determined by the division of family services [and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing

with the division of family services to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state] **exceeds the maximum amount established through regulation by the department of social services, division of family services. This maximum shall not be less than one thousand dollars. Each individual participating in the work first program shall be allowed to exclude one automobile from this determination;**

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted [under] **pursuant to** federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining the total property owned [under] **pursuant to** subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

(1) A claimant or person for whom benefits are claimed; or

(2) The spouse of a claimant or person for whom benefits are claimed with whom [he] **the claimant** is living. If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; [except that, in the case of aid to families with dependent children, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member] **and provided further that in the case of individuals receiving work first program benefits the provision of this subsection shall not apply.**

5. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 USC section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 USC sections 1396a et seq., the division of family services shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

(1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the division of family services of total countable resources owned by either or both spouses;

(2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;

(3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;

(4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 USC section 1396r-5;

(5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the consumer price index for all urban consumers between September, 1988, and the September before the calendar year involved; and

(6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of

the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

6. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 USC section 1396p.

7. The hearings required by 42 USC section 1396r-5 shall be conducted [under] **pursuant to** the provisions of section 208.080.

8. Beginning October 1, 1989, when determining eligibility for assistance [under] **pursuant to** this chapter there shall be disregarded unless otherwise provided by federal or state statutes, the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his **or her** spouse or dependent child. The division of family services shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

9. Reimbursement for services provided by an enrolled medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due [under] **pursuant to** the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except the applicable Title XIX cost sharing.

10. A "community spouse" is defined as being the noninstitutionalized spouse.

208.015. 1. The division of family services shall grant general relief benefits to those persons determined to be eligible [under] **pursuant to** this chapter and the applicable rules of the division. The director may adopt such additional requirements for eligibility for general relief, not inconsistent with this chapter, which [he] **the director** deems appropriate.

2. General relief shall not be granted to any person:

(1) Who has been approved for federal supplemental security income and was not on the general relief rolls in December, 1973; or

(2) Who is a recipient of:

(a) [Aid to families with dependent children] Benefits **funded through the work first program**;

(b) Aid to the blind benefits;

(c) Blind pension benefits; or

(d) Supplemental aid to the blind benefits.

3. A person shall not be considered unemployable, [under] **pursuant to** this section, if unemployability is due to school attendance.

4. Persons receiving general relief in December, 1973, and who qualify for supplemental security income shall continue to receive a general relief grant if necessary to prevent a reduction in the total cash income received by such person in December, 1973, which general relief grant shall not exceed the amount of general relief provided by law.

5. In providing benefits to persons applying for or receiving general relief, benefits shall not be provided to any member of a household if the claimant is employable as defined by rule of the division of family services; or if certain specified relatives living in the household of the claimant are employed and have income sufficient to support themselves and their legal dependents and to meet the needs of the claimant as defined by rule of the division. "Specified relatives" shall be defined as the spouse, mother, father, sister, brother, son, daughter, and grandparents of the

claimant, as well as the spouses of these relatives, if living in the home.

6. General relief paid to an unemployable person shall not exceed one hundred dollars a month.

208.044. 1. The division of family services shall provide child day care services [to any person who meets the qualifications set forth at sections 301 and 302 of the Family Support Act of 1988 (P.L. 100-485)] **in accordance with Title VI of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, known as the Child Care and Development Block Grant Amendments of 1996.**

2. The division of family services shall purchase the child day care services required by this section by making payments, **in accordance with the Child Care and Development Block Grant Amendments of 1996, and payments made** directly to any providers of day care services licensed pursuant to chapter 210, RSMo, or to providers of day care services who are not required by chapter 210, RSMo, to be licensed [because they are providing care to relative children or no more than four children] **or by reimbursement to parents for services rendered by such providers.**

[3. When a person who has been eligible and receiving day care services under this section becomes ineligible due to the end of the twelve-month period of transitional day care, as defined in section 208.400, such person may receive day care services from the division of family services if otherwise eligible for such services. Until October 1, 1992, participants eligible for income eligible day care services, as defined by the division of family services, will continue to receive such services in the same proportion as that provided in fiscal year 1989, subject to appropriation.]; and

Further amend said bill, Page 14, Section 208.055, Line 8 of said page, by inserting immediately after all of said line the following:

"208.060. Application for any benefits [under] **pursuant to** any law of this state administered by the division of family services acting as a state agency shall be filed in the county office. Application for [aid to dependent children] **benefits through the work first program** shall be made by the person with whom the child will live while receiving aid. All applications shall be in writing, or reduced to writing, upon blank forms furnished by the division of family services, and shall contain such information as may be required by the division of family services or by any federal authority [under] **pursuant to** the social security law and amendments thereto. The term "benefits" as used herein or in this law shall be construed to mean:

- (1) [Aid to dependent children] **Benefits funded through the work first program;**
- (2) Aid or public relief to individuals in cases of public calamity;
- (3) Money or services available for child welfare services;
- (4) Any other grant, aid, pension or assistance administered by the division of family services.

208.075. 1. When an application is made for [aid to dependent children] **families work program** or aid to the permanently and totally disabled benefits because of the physical or mental condition of a person the division of family services shall require the person to be examined by competent medical or other appropriate authority designated by the division of family services. If benefits are paid because of the physical or mental condition of a person the division of family services may, as often as it deems necessary, require such person to be reexamined by competent medical or other appropriate authority designated by the division of family services. Written reports of examinations and reexaminations shall be required and evaluated by the division of family services in determining eligibility to receive benefits or to continue to receive benefits.

2. In any appeal hearing as provided for by section 208.080 and the question at issue involves the physical or mental incapacity of a person, regardless of whether assistance has been denied or a recipient has been removed from the assistance rolls, the written reports of the examination or reexamination made by competent medical or other appropriate authority designated by the division of family services, and any written medical reports by other physicians or clinics submitted by claimant, are hereby declared to be competent evidence and admissible as such at the appeal hearing to be considered by the director with any other evidence submitted. Any written medical report purporting to be

executed and signed by the medical or other appropriate authority, its agents, or employees shall be prima facie evidence of it being properly executed and signed without further proof of identification.

208.080. 1. Any applicant for or recipient of benefits or services provided by law by the division of family services may appeal to the director of the division of family services from a decision of a county office of the division of family services in any of the following cases:

- (1) If [his] **the applicant's or recipient's** right to make application for any such benefits or services is denied; or
- (2) If [his] **the applicant's or recipient's** application is disallowed in whole or in part, or is not acted upon within a reasonable time after it is filed; or
- (3) If it is proposed to cancel or modify benefits or services; or
- (4) If [he] **the applicant or recipient** is adversely affected by any determination of a county office of the division of family services in its administration of the programs administered by it; or
- (5) If a determination is made pursuant to subsection 2 of section 208.180 that payment of benefits on behalf of a dependent child shall not be made to the relative with whom [he] **such child** lives.

2. If the division proposes to terminate or modify the payment of benefits or the providing of services to the recipient or the division has terminated or modified the payment of benefits or providing of services to the recipient and the recipient appeals, the decision of the director as to the eligibility of the recipient at the time such action was proposed or taken shall be based on the facts shown by the evidence presented at the hearing of the appeal to have existed at the time such action to terminate or modify was proposed or was taken.

3. In the case of a proposed action by the county office of the division of family services to reduce, modify, or discontinue benefits or services to a recipient, the recipient of such benefits or services shall have ten days from the date of the mailing of notice of the proposed action to reduce, modify, or discontinue benefits or services within which to request an appeal to the director of the division of family services. In the notice to the recipient of such proposed action, the county office of the division of family services shall notify the recipient of all [his] **the recipient's** rights of appeal [under] **pursuant to** this section. Proper blank forms for appeal to the director of the division of family services shall be furnished by the county office to any aggrieved recipient. Every such appeal to the director of the division of family services shall be transmitted by the county office to the director of the division of family services immediately upon the same being filed with the county office. If an appeal is requested, benefits or services shall continue undiminished or unchanged until such appeal is heard and a decision has been rendered thereon, except that in [an aid to families with dependent children] **a work first program** case the recipient may request that benefits or services not be continued undiminished or unchanged during the appeal.

4. When a case has been closed or modified and no appeal was requested prior to closing or modification, the recipient shall have ninety days from the date of closing or modification to request an appeal to the director of the division of family services. Each recipient who has not requested an appeal prior to the closing or modification of [his] **the recipient's** case shall be notified at the time of such closing or modification of [his] **the** right to request an appeal during this ninety-day period. Proper blank forms for requesting an appeal to the director of the division of family services shall be furnished by the county office to any aggrieved applicant. Every such request made in any manner for an appeal to the director of the division of family services shall be transmitted by the county office to the director of the division of family services immediately upon the same being filed with the county office. If an appeal is requested in the ninety-day period subsequent to the closing or modification, benefits or services shall not be continued at their prior level during the pendency of the appeal.

5. In the case of a rejection of an application for benefits or services, the aggrieved applicant shall have ninety days from the date of the notice of the action in which to request an appeal to the director of the division of family services. In the rejection notice the applicant for benefits or services shall be notified of all of [his] **the applicant's** rights of appeal [under] **pursuant to** this section. Proper blank forms for requesting an appeal to the director of the division of family services shall be furnished by the county office to any aggrieved applicant. Any such request made in any

manner for an appeal shall be transmitted by the county office to the director of the division of family services, immediately upon the same being filed with the county office.

6. If the division has rejected an application for benefits or services and the applicant appeals, the decision of the director as to the eligibility of the applicant at the time such rejection was made shall be based upon the facts shown by the evidence presented at the hearing of the appeal to have existed at the time the rejection was made.

7. The director of the division of family services shall give the applicant for benefits or services or the recipient of benefits or services reasonable notice of, and an opportunity for, a fair hearing [in the county of his residence at the time the adverse action was taken. The hearing shall be] conducted by the director of the division of family services or [his designee] **an authorized designee to include an administrative hearing officer in the administrative hearing unit of the division of legal services**. Every applicant or recipient, on appeal to the director of the division of family services, shall be entitled to [be present at the hearing, in person and by attorney or representative] **a hearing either in person or by telephone. All in-person hearings shall be held in one of the administrative hearing units regional hearing offices located throughout the state, or as designated by the administrative hearing unit. A person requesting a hearing may appear with or without an attorney or other representative**, and shall be entitled to introduce into the record of such hearing any and all evidence, by witnesses or otherwise, pertinent to such applicant's or recipient's eligibility between the time [he applied] **application** for benefits or services **was made** and the time the application was denied or the benefits or services were terminated or modified, and all such evidence shall be taken down, preserved, and shall become a part of the applicant's or recipient's appeal record. Upon the record so made, the director of the division of family services shall determine all questions presented by the appeal, and shall make such decision as to the granting of benefits or services as in [his] **the director's** opinion is justified and is in conformity with the provisions of the law. The director shall clearly state the reasons for [his] **the director's** decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

8. All appeal requests may initially be made orally or in any written form, but all such requests shall be transcribed on forms furnished by the division of family services and signed by the aggrieved applicant or recipient or his **or her** representative prior to the commencement of the hearing.

208.120. 1. For the protection of applicants and recipients, all officers and employees of the state of Missouri are prohibited, except as hereinafter provided, from disclosing any information obtained by them in the discharge of their official duties relative to the identity of applicants for or recipients of benefits or the contents of any records, files, papers, and communications, except in proceedings or investigations where the eligibility of an applicant to receive benefits, or the amount received or to be received by any recipient, is called into question, or for the purposes directly connected with the administration of public assistance. In any judicial proceedings, except such proceedings as are directly concerned with the administration of these programs, such information obtained in the discharge of official duties relative to the identity of applicants for or recipients of benefits, and records, files, papers, communications and their contents shall be confidential and not admissible in evidence.

2. The division of family services shall in each county welfare office maintain monthly a report showing the name and address of all recipients certified by such county welfare office to receive public assistance benefits, together with the amount paid to each recipient during the preceding month, and each such report and information contained therein shall be open to public inspection at all times during the regular office hours of the county welfare office; provided, however, that all information regarding applicants or recipients other than names, addresses and amounts of grants shall be considered as confidential.

3. It shall be unlawful for any person, association, firm, corporation or other agency to solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of any name or lists of names for commercial or political purposes of any nature; or for any name or list of names of recipients secured from such report in the county welfare office to be published in any manner. Anyone willfully or knowingly violating any provisions of this section shall be guilty of a misdemeanor. If the violation is by other than an individual, the penalty may be adjudged against any officer, agent, employee, servant or other person of the association, firm, corporation or other agency who committed or participated in such violation and is found guilty thereof.

4. Notwithstanding any other provisions of this section to the contrary, the department of social services shall furnish, at least four times annually and upon request of the Immigration and Naturalization Service, the name, address and other identifying information of any individual whom the department knows to be unlawfully in the United States.

208.150. The maximum amount of monthly public assistance money payment benefits payable to or on behalf of a needy person shall not exceed the following:

[(1) Aid to families with a dependent child, or children, and needy eligible relatives caring for a dependent child, or children, in an amount to be computed as follows:

(a) Beginning July 1, 1993, and at least every three years thereafter, the division of family services shall determine by regulation the average need for each such eligible person, which shall include the cost of basic needs required to maintain a child or children in the home at a reasonable and decent low-income standard of living, and shall pay, on a uniform basis, the highest percent of such need as shall be possible within the limits of funds appropriated for that purpose, less available income;

(b) "Available income" means the total income, before taxes or other deductions, of each person residing within the same household, except, to the extent allowed by federal law, the earnings of a student under nineteen years of age enrolled in a secondary school or at the equivalent level of vocational or technical training, plus or minus such credits or deductions as may be prescribed by the division of family services by regulations for the sole purpose of complying with federal laws or regulations relating to this state's eligibility to receive federal funds for aid to families with dependent children payments, and such credits or deductions as may otherwise be prescribed by law;

(c) The available income shall be subtracted from the total amount which otherwise would be paid;

(d) If the determined need under this subdivision is of an amount less than ten dollars, no cash payment will be made;]

(1) Families work program benefits payable to individuals under the work first program in accordance with requirements established by the department or benefits people qualified for pursuant to aid to families with dependent children under the requirements in effect on June 1, 1995. The department shall not establish benefits payable to be less than those in place on June 1, 1995, and within appropriations authority;

(2) Aid or public relief to an unemployable person not to exceed one hundred dollars.

208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

(1) All recipients of state supplemental payments for the aged, blind and disabled;

(2) [All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040] **Individuals who meet the July 16, 1996, eligibility requirements for aid to families with dependent children or requirements so established by the department and who are eligible for medical assistance in accordance with rules and regulations promulgated by the department;**

(3) All recipients of blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who [would be eligible for aid to families with dependent children] **meet the July 16, 1996, eligibility requirements for aid to families with dependent children or requirements as established by the department**, except for the requirements of [subdivision (2) of subsection 1 of section 208.040] **deprivation of parental support**, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits [except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040] **pursuant to the July 16, 1996, eligibility requirements or requirements as established by the department except for the requirement of deprivation of parental support**;

(7) All persons eligible to receive nursing care benefits;

(8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children **that were in existence as of July 16, 1996, or requirements as established by the department**, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children **that were in existence as of July 16, 1996, or requirements as established by the department**, except for the existence of a dependent child who is deprived of parental support [as provided for in subdivision (2) of subsection 1 of section 208.040];

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide medicaid coverage [under] **pursuant to** this subdivision, the department of social services may revise the state medicaid plan to extend coverage [under] **pursuant to** 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:

(a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;

(b) Children who have attained one year of age but have not attained six years of age with family income greater than

one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and

(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage [under] **pursuant to** this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish copayment, coinsurance, deductible, or premium requirements for medical assistance [under] **pursuant to** this subdivision. Eligibility for medical assistance [under] **pursuant to** this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons [under] **pursuant to** this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals [under] **pursuant to** this subdivision in accordance with the requirement of federal law and regulations. Coverage [under] **pursuant to** this subdivision shall be subject to appropriation to provide services approved under the provisions of this subdivision;

(16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons [under] **pursuant to** subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible [under] **pursuant to** each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;

(17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. section 1396r-1, as amended;

(18) A child born to a woman eligible for and receiving medical assistance [under] **pursuant to** this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for [aid to families with dependent children] **benefits through the work first program**. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for [aid to families with dependent children] **benefits through the work first program**. Applicants for medical assistance benefits [under] **pursuant to** subdivision (12), (13) or (14) shall be informed of the [aid to families with dependent children program] **work first program** and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility [under] **pursuant to** this chapter shall be as simple as practicable;

(20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a

health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance [under] **pursuant to** subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided [under] **pursuant to** section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized [under] **pursuant to** the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated [under] **pursuant to** a city charter or a combined city-county health department or other department of health designees. To the greatest extent possible the department of social services and the department of health shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective medicaid-eligible high-risk mothers and enroll them in the state's medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits **in accordance with the eligibility requirements that were in existence as of July 16, 1996, or requirements as established by the department** except for the requirements of paragraph (d) of subdivision (1) of section 208.150 **as it existed on July 16, 1996**;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available [under] **pursuant to** 42 U.S.C. 1396a (a) (10)(c), the department of social services shall submit an amendment to the medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)

(C)(ii).

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

3. [After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended.] **Any family receiving Title XIX benefits based on meeting the eligibility requirements for aid to families with dependent children that were in existence on July 16, 1996, or requirements as established by the department** in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits [under] **pursuant to** Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits [under] **pursuant to** Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him **or her** for care and services furnished in or after the third month before the month in which he **or she** made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

208.160. The department of social services or its divisions shall prepare separate rolls of persons entitled to benefits or compensation for:

(1) Supplemental payments;

(2) [Aid to dependent children] **Families work program;**

(3) Aid or public relief;

(4) Administrative personnel services and expenses;

(5) Any other grant, aid, pension, assistance or welfare services administered by the department of social services or its divisions. From the rolls, the department of social services or its divisions shall prepare warrants in the form required by section 33.160, RSMo, which shall be certified by the commissioner of administration to the state treasurer for certification as required by section 30.180, RSMo. As authorized by section 30.205, RSMo, or sections 105.273 to 105.278, RSMo, the commissioner or the state treasurer may authorize the department of social services to place their signature on the warrant to create a negotiable check or draft or may authorize the electronic transfer of funds in place of

a check or draft.

208.170. 1. The state treasurer shall be treasurer and custodian of all funds and moneys of the department and shall issue checks upon such funds or moneys in accordance with such rules and regulations as the department shall prescribe.

2. There is hereby established as a special fund, separate and apart from the public moneys of this state, the following:

- (1) Supplemental payment fund;
- (2) Aid to families with dependent children fund;
- (3) Relief fund;
- (4) Child welfare service fund;
- (5) Administration fund;
- (6) Title XIX fund;
- (7) Child support enforcement fund;
- (8) Families work program fund;**
- (9) Missouri general revenue maintenance of effort funds.**

3. The supplemental payment fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for the payment of supplemental payments. All checks payable to recipients of supplemental payments shall be drawn on and paid from this fund.

4. The [aid to families with dependent children] **work first program** fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for the payment of aid to families [with dependent children] **receiving benefits through the work first program**. All checks payable for [aid to families with dependent children] **the work first program** shall be drawn on and paid from this fund. **Any funds remaining in the aid to families with dependent children fund on July 1, 1997, or the date on which this section becomes effective, whichever occurs later, shall be transferred to the work first program fund.**

5. The relief fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for aid or relief in cases of public calamity. All expenditures for aid or relief in cases of public calamity shall be paid from this fund.

6. The child welfare service fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for child welfare services, and this fund or any portion of it may be transferred to the administration fund.

7. The administration fund shall consist of moneys appropriated by the state, and moneys received from the federal government to pay the administrative costs of the department in administering the provisions of the law. All checks payable for employees and personal services of representatives of the department shall be drawn on and paid from the administration fund.

8. The Title XIX fund shall consist of moneys appropriated by the state and such moneys as may be received from the federal government or other sources for the payment of medical assistance rendered to eligible recipients pursuant to the Title XIX state plan, and all checks payable on behalf of recipients shall be drawn on and paid from this fund.

9. The child support enforcement fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources including moneys representing assigned support obligations

collected on behalf of recipients of public assistance and nonrecipients of public assistance, any fees collected by the department and any incentive payments received from other states. From this fund shall be paid any moneys collected which represent assigned support obligations required by state law or federal law to be returned to the obligee on whose behalf the obligation was collected, incentive payments to political subdivisions of this state or to other states, any reimbursement to the federal government for its respective share of payments for [aid to families with dependent children] **benefits through the work first program** and administrative costs incurred by the department in the administration of the child support enforcement program including purchase of child support enforcement services pursuant to the terms of cooperative agreements entered into with political subdivisions of this state, appropriate courts, law enforcement officials or others. Nothing herein shall prohibit the appropriation of federal funds to defer all administrative costs incurred by the department pursuant to chapter 454, RSMo, in the event that federal financial participation is extended to include all costs.

208.180. 1. Payment of benefits hereunder shall be made monthly in advance, at such regular intervals as shall be determined by the division of family services, directly to the recipient, or in the event of [his] **the recipient's** incapacity or disability, to [his] **the recipient's** legally appointed conservator, and except as provided in subsection 2 of **this section**, in the case of a dependent child to the relative with whom [he] **such child** lives; provided, that payments for the cost of authorized inpatient hospital or nursing home care in behalf of an individual may be made after the care is received either during [his] **the individual's** lifetime or after [his] **the individual's** death to the person, firm, corporation, association, institution, or agency furnishing such care, and shall be considered as the equivalent of payment to the individual to whom such care was rendered. All incapacity or disability proceedings of persons applying for or receiving benefits [under this law] **pursuant to this chapter** shall be carried out without fee or other expense when in the opinion of the probate division of the circuit court the person is unable to assume such expense. At the discretion of the court such a guardian or conservator may serve without bond.

2. Payment of benefits with respect to a dependent child may be made, pursuant to regulations of the division of family services, to an individual, other than the relative with whom [he] **such child** lives, who is interested in or concerned with the welfare of the child, or who is furnishing food, living accommodations or other goods, services or items to or for the dependent child[, in the following cases:

(1) where the relative with whom the child lives has demonstrated an inability to manage funds to the extent that payments to [him] **such relative** have not been or are not being used in the best interest of the child[; or

(2) Where the relative has refused to participate in a work or training program to which he has been referred under section 208.042].

3. Whenever any recipient shall have died after the issuance of a benefit check to [him] **such recipient**, or on or after the date upon which a benefit check was due and payable to [him] **such recipient**, and before the same is endorsed or presented for payment by the recipient, the probate division of the circuit court of the county in which the recipient resided at the time of [his] **the recipient's** death shall, on the filing of an affidavit by one of the next of kin, or creditor of the deceased recipient, and upon the court being satisfied as to the correctness of such affidavit, make an order authorizing and directing such next of kin, or creditor, to endorse and collect the check, which shall be paid upon presentation with a certified copy of the order attached to the check and the proceeds of which shall be applied upon the funeral expenses and the debts of the decedent, duly approved by the probate division of the circuit court, and it shall not be necessary that an administrator be appointed for the estate of the decedent in order to collect the benefit check. No cost shall be charged in such proceedings. Such affidavit filed by one of the next of kin, or creditor, shall state the name of the deceased recipient, the date of [his] **such recipient's** death, the amount and number of such benefit check, the funeral expenses and debts owed by the decedent, and whether the decedent had any estate other than the unpaid benefit check and, in the event the decedent had an estate that requires administration, the provisions of this section shall not apply and the estate of the decedent shall be administered upon in the same manner as estates of other deceased persons.

208.182. 1. The division of family services shall establish [pilot projects in St. Louis city and in any county with a population of six hundred thousand or more, which shall provide for] a system of electronic transfer of benefits to public assistance recipients **specified in subsection 5 of this section. The electronic benefits transfer system shall be**

implemented for food stamp recipients not later than October 1, 2002. Such system shall allow recipients to obtain cash from automated teller machines or point of sale terminals. If less than the total amount of benefits is withdrawn, the recipient shall be given a receipt showing the current status of [his] **the recipient's** account.

2. The disclosure of any information provided to a financial institution, business or vendor by the division of family services pursuant to this section is prohibited. Such financial institution, business or vendor may not use or sell such information and may not divulge the information without a court order. Violation of this subsection is a class A misdemeanor.

3. Subject to appropriations and subject to receipt of waivers from the federal government to prevent the loss of any federal funds, the department of social services shall require the use of photographic identification on electronic benefit transfer cards issued to recipients in this system. Such photographic identification electronic benefit transfer card shall be in a form approved by the department of social services.

4. The division of family services shall promulgate rules and regulations necessary to implement the provisions of this section pursuant to section 660.017, RSMo, and chapter 536, RSMo.

5. The delivery of electronic benefits and the electronic eligibility verification, including, but not limited to, [aid to families with dependent children (AFDC)] **those funded through families work program**, women, infants and children (WIC), early periodic screening diagnosis and treatment (EPSDT), food stamps, supplemental security income (SSI), including medicaid, child support, and other programs, shall reside in one card that may be enabled by function from time to time in a convenient manner.

208.325. 1. [Beginning October 1, 1994,] The department of social services shall enroll [AFDC] **families work program** recipients in the self-sufficiency [program] **pacts** established by this section. [The department may target AFDC households which meet at least one of the following criteria:

(1) Received AFDC benefits in at least eighteen out of the last thirty-six months; or

(2) Are parents under twenty-four years of age without a high school diploma or a high school equivalency certificate and have a limited work history; or

(3) Whose youngest child is sixteen years of age, or older; or

(4) Are currently eligible to receive benefits pursuant to section 208.041, an assistance program for unemployed married parents.

2. The department shall, subject to appropriation, enroll in self-sufficiency pacts by July 1, 1996, the following AFDC households:

(1) Not fewer than fifteen percent of AFDC households who are required to participate in the FUTURES program under sections 208.405 and 208.410, and who are currently participating in the FUTURES program;

(2) Not fewer than five percent of AFDC households who are required to participate in the FUTURES program under sections 208.405 and 208.410, but who are currently not participating in the FUTURES program; and

(3) By October 1, 1997, not fewer than twenty-five percent of aid to families with dependent children recipients, excluding recipients who meet the following criteria and are exempt from mandatory participation in the family self-sufficiency program:

(a) Disabled individuals who meet the criteria for coverage under the federal Americans with Disabilities Act, P.L. 101-336, and are assessed as lacking the capacity to engage in full-time or part-time subsidized employment;

(b) Parents who are exclusively responsible for the full-time care of disabled children; and

(c) Other families excluded from mandatory participation in FUTURES by federal guidelines.]

2. Self-sufficiency pacts developed and utilized by the department of social services in conjunction with the implementation of families work program shall meet the requirements of the individual responsibility plans required by The Personal Responsibility and Work Reconciliation Act of 1996, as amended.

3. Upon enrollment in the [family self-sufficiency program] **work first program**, a household shall receive an initial assessment of the family's educational, child care, employment, medical and other supportive needs. There shall also be assessment of the recipient's skills, education and work experience and a review of other relevant circumstances. Each assessment shall be completed in consultation with the recipient and, if appropriate, each child whose needs are being assessed.

4. Family assessments shall be used to complete a family self-sufficiency pact in negotiation with the family. The family self-sufficiency pact shall identify a specific point in time, no longer than twenty-four months after the family enrolls in the self-sufficiency pact, when the family's primary self-sufficiency pact shall conclude. The self-sufficiency pact is subject to reassessment and may be extended for up to an additional twenty-four months, but the maximum term of any self-sufficiency pact shall not exceed a total of [forty-eight] **sixty** months. Family self-sufficiency pacts should be completed and entered into within three months of the initial assessment.

5. The division of family services shall complete family self-sufficiency pact assessments and/or may contract with other agencies for this purpose, subject to appropriation.

6. Family self-sufficiency assessments shall be used to develop a family self-sufficiency pact after a meeting. The meeting participants shall include:

(1) A representative of the division of family services, who may be a case manager or other specially designated, trained and qualified person authorized to negotiate the family self-sufficiency pact and follow-up with the family and responsible state agencies to ensure that the self-sufficiency pact is reviewed at least annually and, if necessary, revised as further assessments, experience, circumstances and resources require;

(2) The recipient and, if appropriate, another family member, assessment personnel or an individual interested in the family's welfare.

7. The family self-sufficiency pact shall:

(1) Be in writing and establish mutual state and family member obligations as part of a plan containing goals, objectives and timelines tailored to the needs of the family and leading to self-sufficiency;

(2) Identify available support services such as subsidized child care, medical services and transportation benefits during a transition period, to help ensure that the family will be less likely to return to public assistance.

8. The family self-sufficiency pact shall include a parent and child development plan to develop the skills and knowledge of adults in their role as parents to their children and partners of their spouses. Such plan shall include school participation records. The department of social services shall, in cooperation with the department of health, the department of mental health, and the "Parents as Teachers" program in the department of elementary and secondary education, develop or make available existing programs to be presented to persons enrolled in a family self-sufficiency pact.

[9. A family enrolled in a family self-sufficiency pact may own or possess property as described in subdivision (6) of subsection 2 of section 208.010 with a value of five thousand dollars instead of the one thousand dollars as set forth in subdivision (6) of subsection 2 of section 208.010.

10. A family receiving AFDC may own one automobile, which shall not be subject to property value limitations provided in section 208.010.

11. Subject to appropriations and necessary waivers, the department of social services may disregard from one-half to two-thirds of a recipient's gross earned income for job-related and other expenses necessary for a family to make the transition to self-sufficiency.

12.] **9.** A recipient may request a review by the director of the division of family services, or his designee, of the family self-sufficiency pact or any of its provisions that the recipient objects to because it is inappropriate. After receiving an informal review, a recipient who is still aggrieved may appeal the results of that review under the procedures in section 208.080.

[13.] **10.** The term of the family self-sufficiency pact may only be extended due to circumstances creating barriers to self-sufficiency and the family self-sufficiency pact [may] **shall** be updated and adjusted to identify and address the removal of these barriers to self-sufficiency.

[14.] **11.** Where the capacity of services does not meet the demand for the services, limited services may be substituted and the pact completion date extended until the necessary services become available for the participant. The pact shall be modified appropriately if the services are not delivered as a result of waiting lists or other delays.

[15.] **12.** The division of family services shall establish a training program for self-sufficiency pact case managers which shall include but not be limited to:

(1) Ensure compliance with the programs and provisions of sections 1 to 32 of this act and ensure applicants are provided with all information regarding benefits in compliance with subsection 2 of section 1 of this act;

[1)] **(2)** Knowledge of public and private programs available to assist recipients to achieve self-sufficiency;

[2)] **(3)** Skills in facilitating recipient access to public and private programs; and

[3)] **(4)** Skills in motivating and in observing, listening and communicating.

[16.] **13.** The division of family services shall ensure that families enrolled in the family self-sufficiency program make full use of the federal earned income tax credit.

[17. Failure to comply with any of the provisions of a self-sufficiency pact developed pursuant to this section shall result in a recalculation of the AFDC cash grant for the household without considering the needs of the caretaker recipient.

18. If a suspension of caretaker benefits is imposed, the recipient shall have the right to a review by the director of the division of family services or his designee.

19. After completing the family self-sufficiency program, should a recipient who has previously received thirty-six months of aid to families with dependent children benefits again become eligible for aid to families with dependent children benefits, the cash grant amount shall be calculated without considering the needs of caretaker recipients. The limitations of this subsection shall not apply to any applicant who starts a self-sufficiency pact on or before July 1, 1997, or to any applicant who has become disabled or is receiving or has received unemployment benefits since completion of a self-sufficiency program.

20.] **14.** There shall be conducted a comprehensive evaluation of the family self-sufficiency program contained in the provisions of this act [and the job opportunities and basic skills training program ("JOBS" or "FUTURES") as authorized by the provisions of sections 208.400 to 208.425]. The evaluation shall be conducted by a competitively chosen independent and impartial contractor selected by the commissioner of the office of administration. The evaluation shall be based on specific, measurable data relating to those who participate successfully and unsuccessfully in these programs and a control group, factors which contributed to such success or failures, the structure of such programs and other areas. The evaluation shall include recommendations on whether such programs should be continued and suggested improvements in such programs. The first such evaluation shall be completed and reported to the governor and the general assembly by September 1, 1997. Future evaluations shall be completed every three years

thereafter. [In addition, in 1997, and every three years thereafter, the oversight division of the committee on legislative research shall complete an evaluation on general relief, child care and development block grants and social services block grants.]

[21.] **15.** The director of the department of social services may promulgate rules and regulations, pursuant to section 660.017, RSMo, and chapter 536, RSMo, governing the use of family self-sufficiency pacts in this program and in other programs, including programs for noncustodial parents of children receiving assistance.

[22. The director of the department of social services shall apply to the United States Secretary of Health and Human Services for all waivers of requirements under federal law necessary to implement the provisions of this section with full federal participation. The provisions of this section shall be implemented, subject to appropriation, as waivers necessary to ensure continued federal participation are received.]

208.337. 1. The division may deposit funds into an account on behalf of children whose custodial parent is a participant in the [program authorized pursuant to the provisions of sections 208.400 to 208.425,] **work first program** and whose noncustodial parent is participating in a state job training and adult educational program approved by the division of family services. If agreed upon by the parties, funds may also be deposited for this purpose when the noncustodial parent terminates participation in the job training or educational program, until the custodial parent completes participation in [the program authorized pursuant to the provisions of sections 208.400 to 208.425] **work first program work activities**. The amount deposited for each child shall not exceed the portion of current child support paid by the noncustodial parent, to which the state of Missouri is entitled according to applicable state and federal laws. Money so received shall be governed by this section notwithstanding other state laws and regulations to the contrary.

2. Any money deposited by the division on behalf of a child, as provided in subsection 3 of this section, shall be accounted for in the name of the child. Any money in the account of a child may be expended only for care or services for the child as agreed upon by both parents. The division shall, by rule adopted pursuant to section 454.400, RSMo, and chapter 536, RSMo, establish procedures for the establishment of the accounts, use, expenditure, and accounting of the money, and the protection of the money against theft, loss or misappropriation.

3. The division shall deposit money appropriated for the purposes of this section with the state treasurer. Any earnings attributable to the money in the account of a child shall be credited to that child's account.

4. Each child for whose benefit funds have been received by the division, and the parents of such child, shall be furnished annually by the division of budget and finance of the department of social services with a statement listing all transactions involving the funds which have been deposited on the child's behalf, to include each receipt and disbursement, if any.

5. (1) The director of the department of social services shall apply for all waivers of requirements under federal law to implement the provisions of this section.

(2) This program shall not be implemented until the waiver has been obtained from the Secretary of the Department of Health and Human Services by the director of the department of social services.

208.345. The division of family services, with the cooperation of the division of vocational rehabilitation, shall establish a protocol where persons who qualify for public assistance, including [aid to families with dependent children,] general relief and medical assistance, because of a disability may be directed to an appropriate federal agency to apply for other benefits. The division of family services shall also establish a procedure to identify applicants and recipients who may be entitled to supplement or supplant state benefits with other benefits through the Social Security Disability, Railroad Retirement, Supplemental Security Income, Veterans, Qualified Medicare Beneficiary and Specified Low Income Medicare Beneficiary and other programs.

208.700. In order to promote diverse approaches to the problems of poverty and to encourage maximum local participation and volunteerism, the "Community Partnership Program" is hereby created as a pilot program in the State of Missouri.

208.701. This program shall be organized by the Department of Social Services in two Missouri counties and organization in any county desiring to be eligible to participate shall be required to provide the Department of Social Services with no less than five written statements from organizations within the county declaring their intent to act as partners in the Community Partnership Program. The program shall be implemented within the first six months from the effective date of this act.

208.703. As used in sections 208.700 to 208.737, the following terms shall mean:

(1) "Community partnership organization", any of the following which chooses to dispense public assistance to qualified individuals, and meets the requirements set forth in section 208.725:

(a) Benevolent association established pursuant to chapter 352, RSMo;

(b) Charitable organization as defined in section 407.453, RSMo;

(c) Combination of paragraphs (a) to (g) of subdivision (2) of this section;

(d) Governmental body;

(e) Not for profit corporation established pursuant to chapter 355, RSMo;

(f) Organization that has obtained an exemption from the payment of federal income taxes as provided in section 501 (c) (3), 501 (c) (7) or 501 (c) (8) of Title 26, United States Code, as amended; or

(g) Religious or educational organization exempt from taxation pursuant to the Missouri or United States Constitution;

(2) "Director", the director of the division of family services;

(3) "Division", the division of family services;

(4) "Program", the community partnership program established pursuant to this act;

(5) "Public assistance", the cash, in-kind, or other payment to which a qualified individual is entitled;

(6) "Qualified individuals", any individual who receives any cash or in-kind payment, or any other public assistance administered by the division of family services;

(7) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

208.705. The provisions of chapter 208, RSMo, to the contrary notwithstanding, qualified individuals may participate in the community partnership program as established in sections 208.700 to 208.737.

208.707. Those qualified individuals who elect to participate in the program shall enter into a contractual agreement with a community partnership organization of the qualified individual's choosing for the purpose of distributing public assistance and providing services pursuant to section 208.715. No qualified individual shall enter into more than one contractual arrangement with a community partnership organization concurrently.

208.710. 1. The division shall:

- (1) Determine and publicly disclose the gross amount of public assistance to be dispersed for aid to families with dependent children, and the total costs for administering said assistance as a percentage of said gross amount;**
- (2) Calculate the public assistance to be distributed to qualified individuals who choose to participate in the program in the same manner as the public assistance distributed to those individuals who elect not to participate;**
- (3) Not reduce the monthly cash public assistance of those who elect not to participate in the program based upon the amount of moneys transferred to the community partnership program fund pursuant to this section;**
- (4) Not set a public assistance amount for qualified individuals who elect to participate in a community partnership program that is less than the public assistance amount of those who do not participate in the program;**
- (5) Develop standardized forms for the contractual agreements between the division and community partnership organizations and between qualified individuals and community partnership organizations;**
- (6) Provide qualified individuals with information on a regular basis of any community partnership organizations available within the geographical area of the qualified individual;**
- (7) Establish a hotline for qualified individuals to register complaints on community partnership organizations for noncompliance of the terms of duly executed contractual arrangements.**

2. Payments to implement sections 208.700 to 208.737 shall be made from the community partnership program fund created in section 208.730.

208.712. Any community partnership organization may contract with the division to distribute public assistance to qualified individuals who elect to participate in a community partnership program.

208.715. Any community partnership organization, in establishing and maintaining a community partnership program, may:

(1) Charge qualified individuals who choose to participate a fee for the provision of services equal to the amount of the community partnership organization's administrative costs for providing said services; however, the community partnership organization shall not charge a fee which as a percentage of the public assistance distributed exceeds ten percent;

(2) Supplement the public assistance to which a qualified individual, who has entered into an agreement with the community partnership organization pursuant to section 208.707, with additional cash grants, gifts, or services, including, but not limited to, the following:

(a) Child day care in a child day care center;

(b) Job training;

(c) Transportation;

(d) Food or household necessities;

(e) Remedial education;

(f) Domestic skills training;

(g) Parenting instruction;

(h) Health benefits.

208.717. As a condition of the receipt of public assistance or any other support provided by a community partnership organization, including those services set out in section 208.715, a community partnership organization may require qualified individuals to meet any additional standards, except that the community partnership organization may not require the qualified individual to:

- (1) Perform any illegal act; or**
- (2) Attend any religious worship service.**

208.720. Qualified individuals who fail to meet the requirements of a duly executed contractual agreement with a community partnership organization shall forfeit to the division, upon a fifteen-day notice to the qualified individual and the division, any increase in their public assistance provided for in section 208.730, over that which the qualified individual would otherwise receive and shall forfeit to the community partnership organization any other supplemental support provided by the community partnership organization pursuant to section 208.715. The forfeiture shall continue until a qualified individual is deemed by the community partnership organization under terms established by the division or by the division to be in compliance with the provisions of the contractual agreement, or until the contract is terminated by the qualified individual or the community partnership organization pursuant to section 208.722. If a contractual agreement between a community partnership organization and a qualified individual is terminated, the qualified individual shall be deemed to be a nonparticipant in the program for a period of thirty days or until the said qualified individual enters or re-enters into a contractual agreement with a community partnership organization, whichever is less. Those recipients deemed to be nonparticipants due to termination of a contract shall receive public assistance as otherwise provided for by law.

208.722. Every duly executed contractual agreement between a qualified individual and a community partnership organization shall contain a provision allowing the qualified individual or the community partnership organization the right to rescind the agreement upon thirty days notice to the division and to all parties to the said contractual agreement.

208.725. The division shall require community partnership organizations to meet the following conditions before entering into or re-entering into any contractual agreement with the division for the provision of services pursuant to section 208.715:

- (1) Meet the definition established in section 208.702, for community partnership organizations;**
- (2) Be in existence for a period of at least five years before they are eligible for the program;**
- (3) Demonstrate to the division, through a written report, the services that are to be provided;**
- (4) Allow audits of public assistance distributed to recipients pursuant to sections 208.707 and 208.710;**
- (5) Agree that the community partnership organization will not discriminate on the basis of race, religion, or national origin; and**
- (6) Establish and maintain a system for addressing the grievances of those qualified individuals affected by the contract with the division.**

208.727. 1. Community partnership organizations may actively seek private donations to support and supplement a community partnership program. Any taxpayer of Missouri may claim a tax credit if provided for by an appropriation by the general assembly; however, the amount appropriated for the tax credit, if any, shall not be less than the savings realized by the division as a result of the program established by this act.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to the community partnership organization.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

208.730. The "Community Partnership Program Fund" is hereby created in the state treasury to support the provisions of sections 208.700 to 208.737. Moneys shall be appropriated to the fund to provide public assistance to qualified individuals that are at least equal to the public assistance that such individuals would otherwise receive plus an amount at least equal to ten percent of the total amount transferred or the amount of savings resulting from implementation of the program. Moneys in the community partnership program fund that are not required to meet or augment the community partnership program funding requirements of the state in any fiscal year shall be invested by the state treasurer in the same manner as other surplus funds are invested. Interest, dividends and moneys earned on such investments shall be credited to the community partnership program fund. Such fund may also receive gifts, grants, contributions, appropriations and funds or public assistance from any other source or sources, and make investments of the unexpended balances thereof.

208.732. 1. There is hereby created the "Community Partnership Advisory Council" to make recommendations to the division on ways to improve and expand the program. The council shall be composed of seven members, consisting of the lieutenant governor, the director of social services, the director of the division of family services, or their representatives, and four members of the public who are active participants in a community partnership organization. The four members of the public shall be appointed by the governor with the advice and consent of the senate, and no more than two shall be of the same political party. The chair of the council shall be the lieutenant governor. Council members appointed by the governor shall serve four-year terms or until their successor is duly appointed and qualified.

2. The advisory council shall meet as necessary, but at least twice yearly, to review activities of the commission, present recommendations in writing to the governor and the general assembly as requested or as necessary to ensure adequate exchange of information, and meet within four weeks after the initial members have been appointed. Four of the members shall constitute a quorum and no action shall be taken without the concurrence of four of the members.

208.737. This credit shall become effective January 1, 1998 and shall apply to all taxable years beginning after December 31, 1997.

210.221. 1. The department of health shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children, and to renew the same when expired. No license shall be granted for a term exceeding two years. Each license shall specify the kind of child care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages and sex;

(2) To inspect the conditions of the homes and other places in which the applicant operates a child care facility, inspect their books and records, premises and children being served, examine their officers and agents, [and] **deny**, suspend [or] revoke **or place on probation** the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 [or], the rules and regulations made by the department of health. **The director also may revoke or suspend a license when the licensee has failed to renew or has surrendered the license;**

(3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the division shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by

the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed; and

(4) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.

2. Any child care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health. Local inspectors may grant a variance, subject to approval by the department of health.

3. The department shall deny, suspend or revoke a license if it receives official notice that the license is prohibited by any local law related to the health and safety of children in child care as determined by local authorities.

[3. No rule or portion of a rule promulgated under the authority of sections 210.201 to 210.245 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

210.245. 1. Any person who violates any provision of sections 210.201 to 210.245, or who for himself or for any other person makes materially false statements in order to obtain a license or the renewal thereof under sections 210.201 to 210.245, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association, institution or society, the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

2. If the department of health proposes to deny, suspend or revoke a license, the department of health shall serve upon the applicant or licensee written notice of the proposed action to be taken. The notice shall contain a statement of the type of action proposed; the basis for it; the date the action will go into effect; and a statement that the applicant or licensee shall have thirty days to request in writing a hearing before the administrative hearing commission. If no written request for a hearing is received by the department of health within thirty days of the applicant or licensee's receipt of the notice, the proposed discipline shall take effect thirty-one days from the date the original notice was received by the applicant or licensee. If the applicant or licensee makes a written request for a hearing, the department of health shall file a complaint with the administrative hearing commission within ninety days of receipt of the request for a hearing. The complaint shall comply with the laws and regulations for actions brought before the administrative hearing commission.

3. The department of health may issue letters of censure or warning and may place a license on probation without formal notice or hearing.

4. The department of health may suspend any license simultaneously with action taken in subsection 2 of section 210.245, if the department of health finds that there is a threat of imminent bodily harm to the children in care. The notice of suspension shall include the basis of the suspension and the appeal rights of the licensee. The licensee may appeal the decision to suspend the license to the department of health. The appeal must be filed within ten days from the receipt of the notice of appeal. A hearing shall be conducted by the department of health within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

[2.] **5. In addition to initiating proceedings under subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child care facility or the department may request that the attorney general seek an injunction to prevent the operation of the facility for violating any provision of sections 210.201 to 210.245. The order shall remain in force until such a time as the court determines that the child care facility is in substantial compliance. [If the prosecuting attorney refuses to act or fails to act within thirty days of receipt of notice from the department of health, the department of health may request that the attorney general seek an injunction of the**

operation of such child care facility.]

[3.] **6.** In cases of imminent bodily harm to children in the care of a child care facility, the department may file suit in the circuit court of the county in which the child care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility.

210.252. 1. All buildings and premises used by a child care facility to care for more than four children except those exempted from the licensing provisions of the department of health pursuant to subdivisions (1) [to]], **(2), (3), (4) and (6)** of section 210.211, shall be inspected annually for fire and safety by the state fire marshal, his designee or officials of a local fire district and for health and sanitation by the department of health or officials of the local health department. Evidence of compliance with the inspections required by this section shall be kept on file and available to parents of children enrolling in the child care facility.

2. Local inspection of child care facilities may be accomplished if the standards employed by local personnel are substantially equivalent to state standards and local personnel are available for enforcement of such standards.

3. Any child care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health. Local inspectors may grant a variance, subject to approval by the department.

4. The department of health shall administer the provisions of sections 210.252 to 210.256, with the cooperation of the state fire marshal, local fire departments and local health agencies.

5. The department of health shall promulgate rules and regulations to implement and administer the provisions of sections 210.252 to 210.256. Such rules and regulations shall provide for the protection of children in all child care facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to 210.245.

210.256. 1. Any person who violates any provision of sections 210.252 to 210.255, or who for himself or for any other person makes a materially false statement in the notice of parental responsibility required by sections 210.254 and 210.255, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association, institution, or society, the officers thereof who participate in such violation shall be subject to the same penalties.

2. In addition to initiating proceedings under subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child care facility [for violating any provision of section 210.252] **or the department may request that the attorney general seek an injunction to prevent the operation of the child care facility for violating any provision of sections 210.252 to 210.259 or the rules promulgated by the department.** The injunction shall remain in force until such a time as the court determines that the child care facility is in substantial compliance.

3. In cases of imminent bodily harm to children in the care of a child care facility, the department of health may apply to the circuit court of the county in which the child care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility."; and

Further amend said bill, Page 196, Section 454.1027, Line 13 of said page, by inserting immediately after all of said line the following:

"473.399. 1. As used in this section, the following terms mean:

(1) "Assistance", funds expended by a state agency to or on behalf of a person in the form of aid, care, or services, except that for the purposes of this section, [aid to families with dependent children] **work first program benefits** shall not be considered assistance;

(2) "Obligor estate", the estate against which an obligation [under] **pursuant to** this section arises;

(3) "Recipient", a person to whom or on whose behalf assistance is provided;

(4) "State agency", the department of social services, department of health and department of mental health of the state of Missouri.

2. For the purposes of this section, the providing of assistance shall create an obligation which may be recovered by filing a claim in the probate division of the circuit court against the decedent estate of the spouse of the deceased recipient upon such spouse's death as provided by the probate code of Missouri, chapters 472, 473, 474 and 475, RSMo. The amount of the state debt shall be the full amount of assistance without interest provided to the recipient during the marriage of such recipient and spouse; provided that the liability of the obligor estate shall not exceed the value of the combined resources of the recipient and the spouse of the recipient on the date of death of the recipient.

3. The state agency providing the assistance may initiate a claim on the debt against the obligor estate.

4. The obligor estate may assert as a defense to the state agency's claim that more than two years prior to the providing of assistance, the recipient voluntarily abandoned the spouse.

5. An obligor estate shall have the right of setoff against the state debt for any amounts recovered by the state agency from the estate of the deceased recipient pursuant to section 473.398.

6. Claims shall not be filed [under] **pursuant to** this section when collection of the state debt would be contrary to federal statutes for assistance programs in which federal funds are received.

536.028. 1. Notwithstanding provisions of this chapter to the contrary, the delegation of authority to any state agency to propose to the general assembly rules as provided under this section is contingent upon the agency complying with the provisions of this chapter and this delegation of legislative power to the agency to propose a final order of rulemaking containing a rule or portion thereof that has the effect of substantive law, other than a rule relating to the agency's organization and internal management, is contingent and dependent upon the power of the general assembly to review such proposed order of rulemaking, to delay the effective date of such proposed order of rulemaking until the expiration of at least thirty legislative days of a regular session after such order is filed with the general assembly and the secretary of state, and to disapprove and annul any rule or portion thereof contained in such order of rulemaking.

2. No rule or portion of a rule that has the effect of substantive law shall become effective until the final order of rulemaking has been reviewed by the general assembly in accordance with the procedures provided pursuant to this chapter. Any agency's authority to propose an order of rulemaking is dependent upon the power of the general assembly to disapprove and annul any such proposed rule or portion thereof.

3. In order for the general assembly to have an effective opportunity to be advised of rules proposed by any state agency, an agency shall propose a rule or order of rulemaking by complying with the procedures provided in this chapter, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy thereof to the joint committee on administrative rules, which may hold hearings upon any proposed rule, order of rulemaking or portion thereof at any time. The agency shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information within the control of the agency as may be requested.

4. Such proposed order of rulemaking shall not become effective prior to the expiration of thirty legislative days of a regular session after such order is filed with the secretary of state and the joint committee on administrative rules.

5. The committee may, by majority vote of its members, recommend that the general assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and upon a finding

that such rule or portion thereof should be disapproved and annulled. Grounds upon which the committee may recommend such action include, but are not limited to:

(1) Such rule is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity; and

(2) Such rule or portion thereof is not in the public interest or is not authorized by the general assembly for one or more of the following grounds:

(a) An absence of statutory authority for the proposed rule;

(b) The proposed rule is in conflict with state law;

(c) Such proposed rule is likely to substantially endanger the public health, safety or welfare;

(d) The rule exceeds the purpose, or is more restrictive than is necessary to carry out the purpose, of the statute granting rulemaking authority;

(e) A substantial change in circumstance has occurred since enactment of the law upon which the proposed rule is based as to result in a conflict between the purpose of the law and the proposed rule, or as to create a substantial danger to public health and welfare; or

(f) The proposed rule is so arbitrary and capricious as to create such substantial inequity as to be unreasonably burdensome on persons affected.

6. Any recommendation or report issued by the committee pursuant to subsection 5 of this section shall be admissible as evidence in any judicial proceeding and entitled to judicial notice without further proof.

7. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and annul any rule or portion thereof.

8. Any rule or portion thereof not disapproved within thirty legislative days of a regular session pursuant to subsection 7 of this section shall be deemed approved by the general assembly and the secretary of state may publish such final order of rulemaking as soon as practicable upon the expiration of thirty legislative days of a regular session after the final order of rulemaking was filed with the secretary of state and the joint committee on administrative rules.

9. Upon adoption of such concurrent resolution as provided in subsection 7 of this section, the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor, or vetoed and subsequently acted upon by the general assembly pursuant to article III, section 32 of the Missouri Constitution. If such concurrent resolution is adopted and signed by the governor or otherwise reconsidered pursuant to article III, section 32, the secretary of state shall publish in the Missouri Register, as soon as practicable, the order of rulemaking along with notice of the proposed rules or portions thereof which are disapproved and annulled by the general assembly.

10. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section, section 536.021, RSMo, and section 536.025, RSMo, are nonseverable and the delegation of legislative authority to an agency to propose orders of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly or the joint committee on administrative rules to review, to hold in abeyance the rule pending action by the general assembly, to delay the effective date or to disapprove and annul a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be revoked and shall be null, void and unenforceable.

11. Nothing in this section shall prevent the general assembly from adopting by concurrent resolution or bill

within thirty legislative days of a regular session the rules or portions thereof, or as the same may be amended or annulled, as contained in a proposed order of rulemaking. In that event, the proposed order of rulemaking shall have been superseded and the order and any rule proposed therein shall be null, void and unenforceable. The secretary of state shall not publish a proposed order of rulemaking acted upon as described herein.

12. Upon adoption of any rule now or hereafter in effect, such rule or portion thereof may be revoked by the general assembly either by bill or by concurrent resolution pursuant to article IV, section 8 of the constitution on recommendation of the joint committee on administrative rules. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the revocation.

13. This section shall become effective only upon the expiration of twenty calendar days following the:

(1) Failure of the executive to sign executive order number 97-97; or

(2) Modification, amendment or rescission of executive order number 97-97; or

(3) An agency's failure to hold the rule in abeyance as required by executive order number 97-97; or

(4) Declaration by a court with jurisdiction that section 536.024, RSMo, or any portion of executive order number 97-97 is unconstitutional or invalid for any reason.

Notwithstanding the provisions of this subsection to the contrary, no modification, amendment or rescission of executive order number 97-97 or failure to hold a rule in abeyance shall make this section effective if the modification, amendment or rescission of the executive order or failure to hold the rule in abeyance is approved by the general assembly by concurrent resolution."; and

Further amend said bill, Page 204, Section 620.145, Line 11 of said page, by inserting immediately after all of said line the following:

"660.016. If the state's net federal reimbursement allowance for fiscal year 1994 and subsequent fiscal years exceeds one hundred thirty million dollars, the department of social services shall include in its 1995 fiscal year budget recommendation that any revenues in excess of one hundred thirty million dollars subject to appropriation be designated for the following purposes:

(1) Loans for physicians and nurses who will serve in medically underserved areas of Missouri as designated by the director of health;

(2) Primary and preventive care initiatives, including parenting classes, as determined by the directors of health and social services; and

(3) Transitional medicaid expenses of [AFDC] **work first program** recipients who accept employment which does not provide a medical benefit. As used in this section, "net federal reimbursement allowance" shall mean that amount of the federal reimbursement allowance in excess of the amount of state matching funds necessary for the state to make payments required by subsection 1 of section 208.450, RSMo, or, if the payments exceed the amount so required, the actual payments made for the purposes specified in subsection 1 of section 208.450, RSMo. This section shall cease to be in effect if the revenues generated by sections 208.450 to 208.480, RSMo, become ineligible for federal financial participation, if payments cease to be made pursuant to section 208.471, RSMo, or if such sections expire in accordance with section 208.480, RSMo.

660.017. The department of social services may adopt, appeal and amend rules necessary to carry out the duties assigned to it. All rules shall be promulgated pursuant to the provisions of this section and chapter 536, RSMo. [No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Including but not limited to sections 208.151, RSMo, 210.256, RSMo, and sections 6, 8, 10, 11, 13, 16, 23, 25 and 28 of this act any rule or portion of a rule promulgated shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited**

to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

660.020. For the purposes of sections 660.020 to 660.026, the following terms mean:

(1) "Caseload standards", the minimum and maximum number of cases that an employee can reasonably be expected to perform in a normal work month based on the number of cases handled by, or the number of different job functions performed by, the employee;

(2) "Department", the department of social services;

(3) "Director", the director of the department of social services;

(4) "Professional caseload standards", caseload standards that are defined by national organizations such as the Child Welfare League, National Eligibility Workers Associations and the National Association of Social Workers, or caseload standards used in other states which have similar job titles.

660.023. 1. The director shall develop caseload standards based on the actual duties of employees in each program area of the department. The director shall consider the recommendations of the caseload standards advisory committee, established pursuant to section 660.026 when developing these caseload standards.

2. In establishing standards pursuant to sections 660.020 to 660.026, the director shall:

(1) Ensure the standards are based on the actual duties of the caseworker;

(2) Ensure the standards are consistent with existing professional caseload standards; and

(3) Consider standards developed by other states for workers in similar positions of employment.

3. Such standards shall be used by the director as the basis of the department's personnel budget request to the governor.

4. If an employee has failed to satisfactorily complete assignments that are in excess of specified caseload standards, good faith efforts to complete such assignments shall be among the factors considered in the employee's performance evaluation and before any disciplinary action is imposed. If an employee's performance evaluation is lowered or discipline is imposed by a supervisor, because the employee has failed to satisfactorily complete assignments that are in excess of specified caseload standards, the employee may file a grievance based on a claim of work expectations that exceed caseload standards, and the employee shall be entitled to an accelerated hearing of that grievance by the director.

5. Subject to appropriations, the department shall use the standards established pursuant to sections 660.020 to 660.026 to assign caseloads to individual employees.

6. The director shall promulgate rules prescribing the standards provided for in this section.

660.026. 1. The director shall convene, at least biannually, a caseload standards advisory committee which shall consist of seven nonsupervisory employees of the department and three division directors of the department or their designees. A representative of the employees' certified majority organization shall also serve on the committee. The caseload standards advisory committee shall include as nearly as possible employees from each program area of the department.

2. The caseload standards advisory committee shall review professional and other caseload standards and recommendations the committee considers appropriate and recommend to the department suggestions for minimum and maximum caseloads for each category of workers employed by the department.

[96.230. In all cities of the third class in this state there is hereby created and established, at the option of the mayor and common council of any such city, a board which shall be styled "The Social Welfare Board of the City of ...". All powers and duties connected with and incident to the relief and prevention of dependency, relief and care of the indigent, and the care of sick dependents, with the exception of the insane and those suffering with contagious, infectious and transmissible diseases, and excepting those persons who may be admitted to the county poorhouses of the counties in which such cities are located, shall be exclusively invested in and exercised by the board. The board shall have power to receive and expend donations for social welfare purposes, and shall have exclusive control of the distribution and expenditure of any public funds set aside and appropriated by such cities for relief of the temporary dependent. The board shall have power to sue and be sued, complain and defend in all courts, to assume the care of or take by gift, grant, devise, bequest or otherwise, any money, real estate, personal property, right of property or other valuable things, and may use, enjoy, control, sell or convey the same for charitable purposes, to have and to use a common seal and alter the same at pleasure. The board may make bylaws for its own guidance, rules and regulations for the government of its agents, servants and employees, and for the distribution of the funds under its control.]

[96.240. Said board shall have power to make all suitable provisions for the relief, maintenance and support of all indigent persons within said cities, and to make suitable provisions for the care and maintenance of the sick dependents and those who are unable to support themselves; to enforce the laws of the state, the ordinances of said cities, in regard to the indigent, and to make such rules and regulations in the conduct of its business not inconsistent with the laws of the state of Missouri, and the ordinances of said cities; to recommend to the common council of said cities the passage of such ordinances as said board may deem necessary for the welfare of the indigent of said cities. The board shall have the power to employ and discharge all persons or officers in their judgment necessary to carry on the work over which said board is given jurisdiction or control. Said board shall further have power to enter into cooperative arrangement with state or county agencies, or with charitable and philanthropic associations in order better to promote the objects of its work. Said board may act as agent for the county superintendent of public welfare within the limits of the city, under such arrangements as may be made jointly by them.]

[96.250. Said board shall be nonpartisan and nonsectarian and the members and officers thereof shall receive no compensation as such. Said board shall consist of the mayor of such cities, who shall be ex officio a member thereof, and six other members, men or women, who shall be appointed by the mayor and the common council of such cities, who shall hold office, two for one year, two for two years, and two for three years, whose term of office shall be designated by the mayor. Whenever the term of office of any member so appointed expires, the appointment of his successor shall be for three years. All such appointments shall date from the first of June following their appointment. Vacancies from any causes shall be filled in like manner as original appointment. The mayor may, for misconduct or neglect of duty, remove any members appointed by him in the manner required for removal of officers of such cities.]

[96.260. Said members shall, immediately after their appointment, and annually thereafter, meet and organize by electing out of their number a president, vice president, treasurer and secretary. All subordinate officers and employees appointed shall give such bonds for the faithful discharge of their duties as may be required by the board.]

[96.270. All moneys received or appropriated for the use of said board shall be deposited with the treasurer, who shall give good and sufficient bond to said board for the safekeeping and proper expenditure of all funds placed in his hands, by or for the use of said board.]

[96.280. It shall be the duty of said board to keep a record of its proceedings and its receipts, expenditures and operations, and to annually render a full and complete itemized report, stating the condition of their trust, together with such other matters as they may deem of general interest to the mayor and common council of said cities; provided said board shall render reports concerning receipts, expenditures, operations, etc., whenever called for by the common council of said cities.]

[96.290. It shall be the duty of said board, when any person by himself or another applies for relief, to make

immediate inquiry into the state and circumstances of the applicant, and if it shall appear that he or she is in such indigent circumstances as to require temporary relief, the said board shall furnish, out of the funds in its hands, such relief as the circumstances of the case may require; provided, that in all cases where the applicant for aid may be found dependent, and said applicant or member of said applicant's family is an able-bodied person, said board shall require such person to perform work to the value of the aid given.]

[161.193. 1. As used in this section, the word "council" means the state council on vocational education assigned to the department of elementary and secondary education by executive orders 85-3 and 85-5 in 1985.

2. The council shall provide to the department of economic development, the education committees of the house of representatives and the senate, and the appropriations committees of the house of representatives and the senate copies of all reports which the council is required to submit or does submit to the state board of education, the governor, the state job training coordinating council, the secretary of education and the secretary of labor, or any of the above.]

[205.590. Aged, infirm, lame, blind or sick persons, who are unable to support themselves, and when there are no other persons required by law and able to maintain them, shall be deemed poor persons.]

[205.600. No person shall be deemed an inhabitant within the meaning of sections 205.580 to 205.760, who has not resided in the county for the space of twelve months next preceding the time of any order being made respecting such poor person, or who shall have removed from another county for the purpose of imposing the burden of keeping such poor person on the county where he or she last resided for the time aforesaid.]

[205.610. The county commission of each county, on the knowledge of the judges of such tribunal, or any of them, or on the information of any associate circuit judge of the county in which any person entitled to the benefit of the provisions of sections 205.580 to 205.760 resides, shall from time to time, and as often and for as long a time as may be necessary, provide, at the expense of the county, for the relief, maintenance and support of such persons.]

[205.620. The county commission shall at all times use its discretion and grant relief to all persons, without regard to residence, who may require its assistance.]

[205.640. The several county commissions shall have power, whenever they may think it expedient, to purchase or lease, or may purchase and lease, any quantity of land in their respective counties, not exceeding three hundred and twenty acres, and receive a conveyance to their county for the same.]

[205.650. Such county commission may cause to be erected on the land so purchased or leased a convenient poorhouse or houses, and cause other necessary labor to be done, and repairs and improvements made, and may appropriate from the revenues of their respective counties such sums as will be sufficient to pay the purchase money in one or more payments to improve the same, and to defray the necessary expenses.]

[205.660. The county commission shall have power to make all necessary and proper orders and rules for the support and government of the poor kept at such poorhouse, and for supplying them with the necessary raw materials to be converted by their labor into articles of use, and for the disposing of the products of such labor and applying the proceeds thereof to the support of the institution.]

[205.670. The several county commissions shall set apart from the revenues of the counties such sums for the annual support of the poor as shall seem reasonable, which sums the county treasurers shall keep separate from other funds, and pay the same out on the warrants of their county commissions.]

[205.680. Any county which now has or may hereafter have within such county a city having a special charter and which city now has or may hereafter have a population of not less than ten thousand inhabitants and not more than thirty thousand inhabitants shall, out of the funds of such county, provide for the care of the poor in said county, including poor of such city or cities, and no such city shall hereafter be exempt from any tax for the support of the poor of such county. No money shall hereafter be refunded to any such city by any such county on account of any money expended by said county for the support of the poor of said county.]

[205.690. Whenever such poorhouse or houses are erected, the county commission shall have power to appoint a fit and discreet person to superintend the same and the poor who may be kept thereat, and to allow such superintendent a reasonable compensation for his services.]

[205.700. Such superintendent shall have power to cause persons kept at such poorhouse, who are able to do useful labor, to perform the same by reasonable and humane coercion.]

[205.710. The county commission may at any time, for good cause, remove the superintendent and appoint another to fill the vacancy.]

[205.720. It shall be the duty of the superintendent of the poor, or poor farm, as provided for in sections 205.580 to 205.760, to keep a book furnished by the county commission, and enter therein a book account of all business transactions had or done or caused to be done by him as superintendent. Said book shall show an itemized account of all farm products, stock and other articles sold by the superintendent or by his authority, and of all articles purchased for the use of the poor, or for the use or improvement of the poor farm or the buildings thereon, and of all expenses for farm labor and other work or services done by order or contract of the superintendent, and of such other items as may be ordered kept therein by the county commission.]

[205.730. It shall be the duty of the superintendent to appear before the county commission on the first day of every regular session thereof, and at such other times as the commission may require, and present said book to said commission for their inspection. Should the superintendent fail or refuse to keep such book and present the same to the county commission, as provided in sections 205.580 to 205.760, it shall be considered sufficient cause for his removal, and it shall be the duty of the county commission to remove the same, and appoint another to fill the vacancy.]

[205.740. All money that shall come into the hands of the superintendent from the sale of farm products, stock or other articles belonging to the county, and all other money belonging to the county that shall come into his hands from other sources, except by warrants drawn in his favor by the county commission, shall be paid into the county treasury and placed with the fund for the support of the poor, and a receipt taken for the same.]

[205.750. Every superintendent, before entering upon his duties, shall enter into a bond to the state of Missouri in a sum not less than five hundred nor more than three thousand dollars, to be determined by the county commission, conditioned that he will faithfully account for all money belonging to the county that shall come into his hands, and that he will exercise due diligence and care over property belonging to the county, under his control. Said bond shall be approved by the county commission and filed with the clerk thereof.]

[205.760. Sections 205.720 to 205.750 shall not apply to any county where the support and keeping of the poor is let out by contract, nor to any county where the superintendent rents or leases the poor farm and stocks the same and furnishes the necessary farm implements used thereon at his own expense, and carries on said farm at his own expense.]

[205.765. 1. The county commission of any county of the first class may by resolution create a department of health and welfare which department shall be operated in the manner hereinafter set out.

2. Notwithstanding the provisions of subsection 1, no department of health and welfare shall be created in any county of the first class not having a charter form of government in which a county health center has been established pursuant to the provisions of sections 205.010 to 205.150, whether or not the health center is established prior to the county's attaining first class status.]

[205.766. 1. The commissioners of the county commission shall during their term of office serve as commissioners of health and welfare of their respective counties and shall have charge and control of all county hospitals, clinics, health centers, institutions for the insane and all county corrective, welfare and eleemosynary institutions except the county jail and the place of detention used by the juvenile court.

2. Said commissioners shall have supervision of the rehabilitation of all state prisoners in the county jail after conviction and sentence thereto, subject to the approval of the county sheriff.

3. They shall perform investigational case work, excepting that relating to adoption, probation and detention of juveniles, in all cases involving the distribution and expenditure of any county funds.

4. They shall administer all laws relating to the county support of the poor and shall have charge of all boarding home care for all juveniles subject to the jurisdiction of the juvenile court and shall perform such other duties as provided by law.]

[205.767. The commissioners of health and welfare may appoint a director of health and welfare and the commissioners shall fix his compensation. The commissioners may also employ such assistants as are necessary and shall fix their compensation. The cost of salaries and expenses of the department shall be apportioned to any appropriate county fund.]

[205.769. 1. Any first class county not having a charter form of government and adjacent to a county of the first class having a charter form of government which does not contain a city with a population of three hundred thousand or more, and adjacent to not more than one county of the second class, may make health inspections of premises on or from which food is prepared, served, or sold to members of the general public for consumption by humans; except this act shall not apply to hospitals licensed under chapter 197, RSMo, or to nursing homes licensed under chapter 198, RSMo. Any county which makes inspections as authorized by this section shall also have the power and authority to issue licenses and to charge reasonable fees for such inspections, which fees shall not exceed the amount necessary to fund and implement an inspection program established pursuant to this section.

2. Such inspections shall be performed at least annually according to procedures established by the Missouri department of health and shall be performed in the most cost efficient manner. Inspections shall be performed by qualified employees of the county, or by contracting such services on a fee basis, at the discretion of the county commission. Any person making such inspections must meet the Missouri department of health qualifications.

3. No establishment described in subsection 1 of this section shall be issued a county license until it has passed inspection. Any such establishment which has been licensed and subsequently fails an inspection shall be given ten days to correct its deficiencies and if such establishment fails to correct its deficiencies, it shall be subject to license suspension and suspension of operations. If the establishment operates without the license, the owner is guilty of a class B misdemeanor. The license shall remain suspended until the deficiencies are corrected.

4. New establishments must submit plans for their operation to the county health department before construction proceeds and licenses are sought. Establishments already doing business in the county shall not be subject to this subsection.

5. All religious, educational, nonprofit, fraternal or civic organizations shall be exempt from the fees authorized by the provisions of subsection 1 of this section.

6. From and after August 13, 1986, health inspections of the establishments described in subsection 1 of this section shall be performed only by the county and the state. Municipalities may provide for such health inspections only in those counties which do not provide for a health inspection throughout the county.]

[205.840. It shall be the duty of the board of police commissioners of said cities, and the health officers of said cities and counties to render said social welfare board, its officers and agents, such aid as may be requested by them, or either of them, whenever such aid requested shall reasonably come within the duties of said police board, its agents or officers or the health officers aforesaid.]

[205.850. The county commission in counties of the third and fourth classes may in its discretion, with an order of the juvenile court showing approval, appoint a county superintendent of public welfare, and such assistants as it may deem necessary. Whenever the county commission of any county has appointed a superintendent of public welfare such officer shall assume all the powers and duties now conferred by law upon the probation or parole officer of such county and shall assume all the powers and duties of the attendance officer in said county and all the powers and the duties of the attendance officer in any incorporated town or village having a population of more than one thousand inhabitants, and no other or different probation or parole officer or attendance officer or officers shall be appointed by the judge of

the juvenile court, by the county superintendent of public schools, or by the school board or any incorporated city, town, or village school district or consolidated school district.]

[205.860. The county commission shall fix the salary of the county superintendent of public welfare and of his assistants in its county.]

[205.870. It shall be the duty of the county superintendent of public welfare to administer all of the funds of the county devoted to outdoor relief and allowances to needy mothers. He shall seek to discover any cases of neglect, dependent, defective or delinquent children in the county, and take all reasonable action in his power to secure for them the full benefit of the laws enacted for their benefit. Assistants to the county superintendents of public welfare shall perform such of the duties of the county superintendent of public welfare as he may assign to them.]

[205.880. The county superintendent of public welfare may be deputized or authorized and required by the department of social services to act as its agent in relation to any work to be done by said department within the county, and when said county superintendent is so authorized as the agent of the department of social services, he shall have the same powers and authority as are given to the department of social services. The county superintendent of public welfare may at any time call on the department of social services for advice and assistance in the performance of his duties.]

[205.890. The county superintendent of public welfare in each county shall, upon the request of the department of mental health, and in accordance with its direction, give special care and attention to the needs of any patient recently discharged from the state hospital for the insane who resides in his county, either on parole or permanent discharge, to the end that such patients may be established in such favorable circumstances as shall tend to prevent their relapse into insanity, and shall report on the progress of such former patients to the department of mental health, and under its direction, to the institution from which they have been paroled or discharged.]

[205.900. 1. The county superintendent of public welfare shall give such oversight and supervision to prisoners who are on parole from the state penitentiary and are residing in his county, and to persons who are on parole from the Missouri Reformatory, and Missouri Training School for Boys and to girls on parole from the State Training School for Girls or from the State Training School for Negro Girls, as may be requested by the state department of corrections and human resources and shall report upon the progress of said paroled prisoners to the state department of corrections and human resources as often as it may request.

2. The county superintendent of public welfare in each county shall give oversight and supervision to prisoners on parole or probation by any court in the state of Missouri and shall investigate applications for clemency when requested to do so by said courts, and shall report in regard to each person placed under his supervision to the court placing said persons under his supervision.

3. The county superintendent of public welfare shall also give oversight and supervision to children placed on parole or probation by the juvenile court or the court having jurisdiction of children's cases in his county when requested to do so by said court and shall report to said court upon progress of persons thus placed on parole or probation.]

[205.910. The county superintendent of public welfare in each county shall cooperate with the state employment bureaus and shall, upon request of the head of such bureaus, furnish data with regard to the opportunities for employment in their respective counties and shall aid and assist in any practical way in securing employment for the unemployed in his county.]

[205.920. The county superintendent of public welfare and his assistants may be deputized by the director of the inspection section of the department of labor and industrial relations, as his agent or agents, and when they are so deputized by the director, they shall have the same powers and authority as deputy industrial inspectors.]

[205.930. The county superintendent of public welfare shall investigate the conditions of living among the poor, sick and delinquent in the county and examine thoroughly into causes of crime and poverty in the county and shall make recommendations from time to time to the proper state department, and to proper local authorities as to any change in conditions or in legislation necessary to prevent or reduce poverty, crime or distress in the state.]

[205.940. The records of cases handled and business transacted by the county superintendent of public welfare shall be kept in such manner and form as may be prescribed by the department of social services.]

[205.950. The county superintendent of public welfare shall each year prepare and keep on file, a full report of his work and proceedings during the year, and shall file a copy with the county commission and with the secretary of the department of social services.]

[207.090. 1. The division of family services of the department of social services shall, in cooperation with the division of aging, develop and establish a pilot project for the employment of persons age fifty-five or older as part-time case workers for the division. The project shall be of a three-year duration and shall be funded by federal funds and state appropriations made for that purpose, not to exceed fifty percent of the total cost of the project, and donations received from private persons, firms, or corporations. The project shall not exceed ten senior citizens at any one time, and no one senior citizen shall be assigned more than ten cases at any one time. The participants shall be compensated for their services in an amount not to exceed five thousand dollars a year each. The pilot project shall be established in each county of the first classification containing the major part of a city with a population of more than three hundred thousand. Annually, the division of family services shall report on the project to the governor and the general assembly.

2. The section shall expire on August 28, 1997.]

[208.040. 1. Aid to families with dependent children shall be granted on behalf of a dependent child or children and may be granted to the parents or other needy eligible relative caring for a dependent child or children who:

(1) Is under the age of eighteen years; or is under the age of nineteen years and a full-time student in a secondary school (or at the equivalent level of vocational or technical training), if before the child attains the age of nineteen the child may reasonably be expected to complete the program of the secondary school (or vocational or technical training);

(2) Has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one or more of such relatives as the child's own home, and financial aid for such child is necessary to save the child from neglect and to secure for the child proper care in such home. Physical or mental incapacity shall be certified to by competent medical or other appropriate authority designated by the division of family services, and such certificate is hereby declared to be competent evidence in any proceedings concerning the eligibility of such claimant to receive aid to families with dependent children benefits. Benefits may be granted and continued for this reason only while it is the judgment of the division of family services that a physical or mental defect, illness or disability exists which prevents the parent from performing any gainful work;

(3) Is not receiving supplemental aid to the blind, blind pension, supplemental payments, or aid or public relief as an unemployable person;

(4) Is a resident of the state of Missouri.

2. The division of family services shall require as additional conditions of eligibility for benefits that each applicant for or recipient of aid:

(1) Shall furnish to the division the applicant or recipient's social security number or numbers, if the applicant or recipient has more than one such number;

(2) Shall assign to the division of family services in behalf of the state any rights to support from any other person such applicant may have in the applicant's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. An application for benefits made under this section shall constitute an assignment of support rights which shall take effect, by operation of law, upon a determination that the applicant is eligible for assistance under this section. The assignment is effective as to both current and accrued support obligations and authorizes the division of child support enforcement of the department of social services to bring any administrative or

judicial action to establish or enforce a current support obligation, to collect support arrearages accrued under an existing order for support, or to seek reimbursement of support provided by the division;

(3) Shall cooperate with the divisions of family services and of child support enforcement unless the division of family services determines in accordance with federally prescribed standards that such cooperation is contrary to the best interests of the child on whose behalf aid is claimed or to the caretaker of such child, in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and in obtaining support payments for such applicant and for a child with respect to whom such aid is claimed, or in obtaining any other payments or property due such applicant or such child. The divisions of family services and of child support enforcement shall impose all penalties allowed pursuant to federal participation requirements;

(4) Shall cooperate with the department of social services in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for medical assistance as provided in section 208.152, unless such individual has good cause for refusing to cooperate as determined by the department of social services in accordance with federally prescribed standards; and

(5) Shall participate in any program designed to reduce the recipient's dependence on welfare, if requested to do so by the department of social services.

3. The division shall require as a condition of eligibility for AFDC benefits that a minor child under the age of eighteen who has never married and who has a dependent child in his or her care, or who is pregnant and otherwise eligible for AFDC benefits, shall reside in a place of residence maintained by a parent, legal guardian, or other adult relative or in some other adult-supervised supportive living arrangement, as required by section 403 of P.L. 100-485. Exceptions to the requirements of this subsection shall be allowed in accordance with requirements of the federal Family Support Act of 1988 in any of the following circumstances:

(1) The individual has no parent or legal guardian who is living or the whereabouts of the individual's parent or legal guardian is unknown; or

(2) The division of family services determines that the physical health or safety of the individual or the child of the individual would be jeopardized; or

(3) The individual has lived apart from any parent or legal guardian for a period of at least one year prior to the birth of the child or applying for benefits; or

(4) The individual claims to be or to have been the victim of abuse while residing in the home where she would be required to reside and the case has been referred to the child abuse hotline and a "reason to suspect finding" has been made. Households where the individual resides with a parent, legal guardian or other adult relative or in some other adult-supervised supportive living arrangement shall, subject to federal waiver to retain full federal financial participation and appropriation, have earned income disregarded from eligibility determinations up to one hundred percent of the federal poverty level.

4. If the relative with whom a child is living is found to be ineligible because of refusal to cooperate as required in subdivision (3) of subsection 2 of this section, any aid for which such child is eligible will be paid in the manner provided in subsection 2 of section 208.180, without regard to subsections 1 and 2 of this section.

5. The department of social services may implement policies designed to reduce a family's dependence on welfare. The department of social services is authorized to implement these policies by rule promulgated pursuant to section 660.017, RSMo, and chapter 536, RSMo, either statewide or as pilot projects, in certain geographic areas, subject to obtaining necessary federal waivers and appropriation authority, and in compliance with state statutes. These policies may include:

(1) Increasing the earned income and resource disregards allowed recipients to help families achieve a gradual transition to self-sufficiency, including implementing policies to simplify employment-related eligibility standards by increasing the earned income disregard to two-thirds by July 1, 1998;

(2) Supplementing wages for recipients for the lesser of forty-eight months or the length of the recipient's employment by diverting the aid to families with dependent children grant to employers who hire such recipients, provided that the department of social services shall develop a methodology and a process for addressing instances where a regular employee claims job loss because of replacement solely due to the employer's preference for hiring a worker whose wage is supplemented by an aid to families with dependent children grant.

6. Upon receipt of a federal waiver which allows such, the work history requirements and definition of "unemployed" shall not apply to parents under age twenty-one in order for these parents to be eligible for assistance under section 208.041.]

[208.041. 1. Notwithstanding the provisions of subdivision (2) of section 208.050, the provisions of section 208.040 shall also apply to a needy child who has been deprived of parental support or care by reason of the unemployment of a parent as such term "unemployment" is defined and determined by the division of family services pursuant to applicable federal law and regulations. The unemployed parent, for whose child or children benefits may be received, is eligible for payments and under this section must:

(1) Be physically present in Missouri, living in the home with the child or children, actively seeking employment, and complying with requirements made by the division of family services pursuant to applicable state and federal requirements for registration with the United States Secretary of Labor or his representative regarding employment, training, work incentive and special work projects;

(2) Have been unemployed for at least thirty days prior to receiving benefits under this section and must apply for and receive any unemployment benefits to which he or she is entitled, such benefits to be considered as unearned income in determining eligibility for aid to families with dependent children;

(3) Not have refused without good cause, within such thirty-day period prior to the receipt of such aid, any bona fide offer of employment which he or she is physically able to perform and otherwise qualified to engage in;

(4) Not have refused, without good cause, vocational rehabilitation, education, training, work incentive or special work projects offered;

(5) (a) Have six or more quarters of work within any thirteen-calendar-quarter period ending within one year prior to the application for such aid or have received or have been qualified to receive unemployment compensation within such one-year period;

(b) A "quarter of work" with respect to any individual shall mean a period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth, or December thirty-first in which he or she received earned income of not less than fifty dollars or in which he or she participated in a community work and training program or the work incentive program;

(c) An individual shall be deemed "qualified" for unemployment compensation under the state's unemployment compensation law if he or she would have been eligible to receive such benefits upon filing application, or he or she performed work not covered by such law which, if it has been covered, would, together with any covered work he or she performed, have made him or her eligible to receive such benefits upon filing application; and

(6) Be the natural or adoptive parent of the child or children or legally responsible for the support of the child or children.

2. The division of family services shall enter into a cooperative agreement with the state department of elementary and secondary education and the coordinating board for higher education for use of public vocational rehabilitation and education services and facilities in respect to the unemployed parent to the end that those capable of assimilating and utilizing the same may be trained or retrained.

3. The division of family services shall enter into an agreement with the division of employment security for

registration and reregistration of unemployed parents, and shall refer them to the United States Secretary of Labor or his representative, within thirty days of receiving assistance, for the purpose of providing employment, training, work incentive and special work projects for all eligible unemployed parents as provided in section 208.042.

4. Payments shall be prorated within the limits of the appropriations, and shall not exceed the amount of the appropriations made therefor.

5. This section shall not become effective until June 16, 1983.]

[208.042. 1. In households containing recipients of aid to families with dependent children benefits, each appropriate child, relative or other eligible individual sixteen years of age or over shall be referred by the division of family services to the United States Secretary of Labor or his representative for participation in employment, training, work incentive or special work projects when established and operated by the secretary, to afford such individuals opportunities to work in the regular economy and to attain independence through gainful employment.

2. The division of family services, pursuant to applicable federal law and regulations, shall determine the standards and procedures for the referral of individuals for employment, training, work incentive and special work projects, which shall not be refused by such individuals without good cause; but no recipient or other eligible individual in the household shall be required to participate in such work programs if the person is

(1) Ill, incapacitated, or of advanced age;

(2) So remote from the location of any work or training project or program that he cannot effectively participate;

(3) A child attending school full time;

(4) A person whose presence in the household on a substantially continuous basis is required because of illness or incapacity of another member of the household.

3. The division of family services shall pay to the United States Secretary of Labor or his representative up to twenty percent of the total cost, in cash or in kind, of the work incentive programs operated for the benefit of the eligible persons referred by the division of family services; and the division of family services shall pay an amount to the secretary for eligible persons referred to and participating in special work projects not to exceed the maximum monthly payments authorized under sections 208.041 and 208.150 for recipients of public assistance benefits. An allowance in addition to the maximum fixed by section 208.150 may also be made by the division of family services for the reasonable expenses of any needy child or needy eligible relative which are attributable to his participating in a work training or work incentive program.

4. If an eligible child or relative refuses without good cause to participate in any work training or work incentive program to which he has been referred, payment to or on behalf of the child or relative may be continued for not more than sixty days thereafter, but in such cases payments shall be made pursuant to subsection 2 of section 208.180. If a relative has refused to so participate, payments on behalf of the eligible children cared for by the relative shall be made pursuant to subsection 2 of section 208.180.

5. The division of family services is authorized to expend funds to provide child day care services, when appropriate, for the care of children required by the absence of adult persons from the household due to referral and participation in employment, training, work incentive programs or special work projects.]

[208.043. 1. Notwithstanding the provisions of section 208.040, aid to dependent children benefits shall be granted on behalf of a needy child and may be granted to a needy eligible legal guardian caring for a needy dependent child who:

(1) Has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent;

(2) Is living with a legal guardian;

(3) Is under the age of eighteen; and

(4) Is not eligible for aid to dependent children benefits under section 208.040 because the child is not living with a specified relative.

2. The amount of the monthly public assistance benefit payable hereunder shall be determined by the standards set forth in section 208.150.]

[208.047. 1. Notwithstanding the provisions of section 208.040, aid to dependent children benefits may be granted to a dependent child:

(1) Who would meet the requirements of section 208.040, except for his removal from the home of a relative as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child;

(2) For whose placement and care the division of family services is responsible;

(3) Who has been placed in a foster family home or nonprofit private child-care institution as a result of such determination; and

(4) Who (a) received aid to dependent children benefits in and for the month in which court proceedings leading to such determination were initiated; or (b) would have received aid in or for that month if application had been made therefor; or

(c) in the case of a child who had been living with a relative specified in section 208.040 within six months prior to the month in which such proceedings were initiated, would have received aid in and for such month, if in such month he had been living with, and removed from the home of, such a relative and application had been made therefor.

2. Monthly aid to dependent children benefits on behalf of a child placed in a foster family home or nonprofit private child-care institution shall not exceed one hundred dollars for each child and in the event that federal aid to states for dependent children placed in a nonprofit private child-care institution is withdrawn, benefit payments under this section shall be terminated on behalf of a dependent child in a nonprofit private child-care institution.]

[208.048. 1. A dependent child eighteen years of age shall, in order to retain eligibility for aid to families with dependent children, be enrolled as a full-time student in a public or private secondary school, or an equivalent level of vocational or technical school in lieu of secondary school, and reasonably expected to complete the program of the secondary school, or equivalent vocational or technical training.

2. The department of social services shall promulgate rules and regulations to carry out the provisions of this section pursuant to section 660.017, RSMo, and chapter 536, RSMo.]

[208.050. Aid to families with dependent children benefits shall not be granted or continued:

(1) Unless the benefits granted are used to meet the needs of the child and the needy eligible relative caring for a dependent child;

(2) To any person when benefits are claimed by reason of his physical or mental incapacity, and such person refuses to accept vocational rehabilitation services or training or medical or other legal healing treatment necessary to improve or restore his capacity to support himself and his dependents, and it is certified by competent medical authority designated by the division of family services that such physical or mental incapacity can be removed, corrected or substantially improved; provided, however, the division of family services may in its discretion waive this requirement, taking into consideration the age of the individual, nature and extent of training and treatment, or whether he endangers the health of others in his refusal, whether the training or treatment is such that a reasonably prudent person would accept it, and all other facts and circumstances in the individual case;

(3) To a household that receives in any month an amount of income which together with all other income for that month, not excluded or disregarded by the division, exceeds the standard of need applicable to the family:

(a) Such amount of income shall be considered income to the individual in the month received, and the household of which such person is a member shall be ineligible for the whole number of months that equals the sum of such amount and all other income received in such month, not excluded or disregarded by the division, divided by the standard of need applicable to the family;

(b) Any income remaining shall be treated as income received in the first month following the period of ineligibility specified in paragraph (a);

(c) For the purposes of this subdivision, where consistent with federal law or regulation, "income" shall not include the proceeds of any life insurance policy, or prearranged funeral or burial contract, provided that such proceeds are actually used to pay for the funeral or burial expenses of the deceased family member.]

[208.339. The office of administration, division of personnel, shall explore telecommuting employment options for aid to families with dependent children recipients.]

[208.342. The director of the department of social services shall, in conjunction with the state treasurer's office, coordinate an earned income tax credit program for qualifying AFDC recipients.]

[208.400. As used in sections 208.400 to 208.425 and section 452.311, RSMo, the following terms mean:

(1) "Case manager", an employee of the division having responsibility for the assessment of the participant's educational and employment needs and for assisting the participant in the development and execution of the service plan;

(2) "Community work experience program", as defined under section 201 of the Family Support Act of 1988 (P.L. 100-485), a program designed to enhance the employability of participants not otherwise able to obtain employment through providing training and an actual work experience;

(3) "Department", the department of social services;

(4) "Division", the division of family services of the department of social services;

(5) "Educational component", that portion of the Missouri job opportunities and basic skills training (JOBS) program which is intended to provide educational opportunities for participants. This component will include:

(a) "Adult basic education", any part-time or full-time program of instruction emphasizing reading, writing and computation skills, including day classes or night classes, which prepares a person to earn a Missouri high school equivalency certificate pursuant to section 161.093, RSMo;

(b) "High school education", instruction in two or more grades not lower than the ninth nor higher than the twelfth grade which leads to the award of a diploma provided by any school to a person, to the extent that such instruction conforms to the requirements established pursuant to section 201 of P.L. 100-485 and federal regulations promulgated under said section;

(c) "Postsecondary education", any part-time or full-time program of instruction in a community junior college, college or university as allowed by regulations of the department of health and human services; and

(d) "Vocational education", any part-time or full-time program of instruction of less than baccalaureate grade, including day classes or night classes, which prepares a person for gainful employment;

(6) "Employment component", that portion of the Missouri JOBS program which is intended to provide employment counseling, training, and referral and employment opportunities for participants;

(7) "JOBS", the job opportunities and basic skills training program for AFDC recipients developed by the division of family services;

(8) "Participant", any recipient who is participating in the Missouri JOBS program;

(9) "Recipient", any person receiving aid to families with dependent children benefits under section 208.040 or 208.041;

(10) "Service plan", as defined in section 201 of the Family Support Act of 1988 (P.L. 100-485), an employability plan designating the services to be provided by the department and the activities in which the participant will be involved; and

(11) "Transitional child care services", child day care services provided, as defined in sections 301 and 302 of the Family Support Act of 1988 (P.L. 100-485), to participants who have become ineligible for such services due to the increased wages of or hours of employment.]

[208.405. 1. No later than October 1, 1990, the division of family services shall establish and operate a job opportunities and basic skills training (JOBS) program for AFDC recipients.

2. The division of family services, subject to appropriation, shall administer the job opportunities and basic skills training (JOBS) program as provided in Part F of Title IV of the Social Security Act.

3. Pursuant to Public Law 100-485, state funds expended for education, training and employment activities, including supportive services, to assist aid to families with dependent children recipients in becoming self-sufficient shall be no less than the level expended for such purposes in fiscal year 1986.

4. The department shall plan and coordinate all the JOBS program with the Missouri Job Training Coordinating Council, educational training and basic skills training and opportunities afforded under the provisions of this act with the department of elementary and secondary education, the department of labor and industrial relations and the department of economic development so as not to duplicate any existing program and services now offered. The existing personnel in those departments together with such added personnel as may be authorized by appropriations shall be utilized in carrying out the provisions of this act.]

[208.410. 1. The division, in determining the priority of participation by individuals, shall give priority to volunteers as described in section 201 of P.L. 100-485.

2. The state plan for the job opportunities and basic skills training program shall include a publicity or recruitment program the goal of which shall be to ensure that volunteers for participation in the job opportunities and basic skills training program are served first and are given preference for available education, training and support services.

3. Any recipient who has a child under three years of age living in the home and is personally providing care for the child shall be exempt from required participation in the JOBS program.

4. Prior to the termination of any benefits or supportive services of a participant by the division as a sanction authorized pursuant to the provisions of this section, the participant shall be afforded a pretermination hearing, on the record, with an opportunity for the participant to be heard.

5. No person shall without good cause, as such term is defined in Public Law 100-485 and regulations defined thereunder, refuse services offered by the division pursuant to this section. The division may, by rule and regulation, provide sanctions against any person who violates the provisions of this subsection. Sanctions shall be consistent with the provisions of Title II, Section 201 of the Family Support Act of 1988.]

[208.415. 1. The division shall adopt rules and regulations pursuant to chapter 536, RSMo, to administer such program. Such rules shall include procedures for referral of individuals for education, employment, job search, training including on-the-job training, and special work projects. Such rules may implement any optional provision of the

Family Support Act of 1988.

2. An initial assessment of the educational, child care, and other supportive services needs as well as the skills, prior work experience, and employability of each participant in the program including a review of the family circumstances shall be completed for all participants. This assessment shall be completed in consultation with the participant.

3. On the basis of the assessment, the division, in consultation with the participant, shall develop a service plan for the participant. The service plan shall explain the services that will be provided by the state agency and the activities in which the participant will take part under the program, including child care and other supportive services, shall set forth a service goal for the participant, and shall, to the maximum extent possible and consistent with sections 208.400 to 208.425, and section 452.311, RSMo, reflect the respective preferences of such participant. The plan shall take into account the participant's supportive services needs, available program resources, and local employment opportunities. The plan shall include a description of the rights, duties, and responsibilities of the participant and the division.

4. The division may operate a community work experience program in accordance with section 201 of P.L. 100-485. The program shall be voluntary for thirty-six months after July 27, 1989, after which time those individuals who have received AFDC benefits for thirty-six of the preceding sixty months may be required to participate in the community work experience program.]

[208.500. 1. Sections 208.500 to 208.507 shall be known as "Transitional Benefits Demonstration Project". Subject to appropriations and receipt of a federal waiver, the division of family services shall establish a three-year demonstration project which shall provide transitional benefits to families who lose their eligibility for assistance under aid to families of dependent children because of an increase in earned income.

2. As used in sections 208.500 to 208.507, the following terms mean:

(1) "Child care", child care services provided by the division of family services;

(2) "Division", division of family services of the department of social services;

(3) "Medical services", those services provided for under section 208.152;

(4) "Participant", any recipient who is participating in the demonstration project;

(5) "Project", a demonstration project directed at AFDC recipients who become ineligible for benefits due to an increase in earned income, in which such recipients can receive child care and medical services for an indefinite period of time, not to exceed three years, to assist in the transition from welfare to employment;

(6) "Recipient", any person receiving aid to families of dependent children benefits under section 208.040 or 208.041.]

[208.503. 1. The division shall select project participants from applicants who meet the criteria and requirements set forth in subsection 3 of this section.

2. Subject to appropriations, the division shall provide child care and medical services to no more than two hundred fifty head-of-household participants. Such child care and medical services will continue until the earned income of the participant is at least two times the minimum wage. The division shall deliver the transitional child care assistance through a vendor voucher payment or purchase of service system which requires that as the recipient's earned income increases, the recipient shall contribute to the cost of the assistance in accordance with a sliding scale fee established by rule.

3. In order to be considered for selection as a prospective project participant pursuant to sections 208.500 to 208.507:

(1) A person shall apply to the division to participate in the program;

(2) An applicant shall have been a recipient of AFDC benefits for at least twelve of the last thirty-six months preceding application;

(3) The applicant shall have become ineligible for AFDC benefits due to an increase in earned income, within the year preceding application, or is currently receiving transitional child care services as defined in section 208.400;

(4) The applicant shall be employed at the time of application and not receiving employer paid child care or medical services;

(5) The applicant shall meet any other criteria as determined by the division of family services.]" and

Further amend said bill, Page 206, Section 5, Line 6 of said page, by inserting immediately after all of said line the following:

"Section 6. 1. By July 1, 1997, the department of social services shall establish and implement the "Families Work Program" in accordance with "The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Title IV, Section 401 et seq., as amended. All funds received by the state for this program shall be subject to appropriation by the state legislature consistent with the terms and conditions of Part A of Title IV of the Social Security Act and the Child Care and Development Block Grant Amendments of 1996, as amended, and any applicable state laws.

2. The department of social services shall inform all applicants and recipients of assistance of any funds through the families work program that such assistance shall be used for the purpose of obtaining self-sufficiency.

3. Unless otherwise indicated in this legislation, the department of social services shall act consistently with the provisions certified in the plan submitted to the United States Department of Health and Human Services on September 30, 1996, or subsequent certification dates for funds from the Temporary Assistance for Needy Families Block grant. As indicated in that plan, the state of Missouri shall:

(1) Operate a child support enforcement program;

(2) Operate a foster care and adoption assistance program; and

(3) Establish and enforce standards and procedures to ensure against program fraud, including prevention of nepotism, conflicts of interest and kickbacks.

4. The state of Missouri shall also continue to operate the following waivers granted under section 1115 of the Social Security Act:

(1) The Missouri families mutual responsibility plan that began on July 1, 1995, and is scheduled to operate through June 30, 2000, statewide; and

(2) The 21st century communities demonstration plan that began on January 31, 1993, and is scheduled to operate through January 31, 2005.

5. The goals of the families work program are to:

(1) Move families from welfare to work and increase their opportunities to achieve self-sufficiency;

(2) Insure accountability on the part of persons who receive government assistance and the state agencies' administering programs that serve Missouri's low-income families;

(3) Create a program that is tailored to meet the individual needs of the adult diverse population as a transition to work;

(4) Provide assistance to Missouri's needy children and families while maintaining assistance on a fair and consistent basis through the state;

(5) Encourage and facilitate meaningful contact and relationships between children and non-custodial parents whenever it is in the best interest of the children;

(6) Build on Missouri's already successful welfare reform efforts;

(7) Maximize Missouri's receipt of federal funds;

(8) Simplify program rules by coordinating Missouri's programs that serve low-income families;

(9) Insure health care coverage to the maximum extent possible for needy children and families; and

(10) Reducing the number of out-of-wedlock births.

6. The department of social services shall administer a fund to be known as the "Missouri Families Work Program Fund", which is hereby created in the state treasury. Moneys deposited in the fund shall equal one hundred percent of federal funds granted to the state by the United States Department of Health and Human Resources pursuant to The Personal Responsibility and Work Opportunity and Reconciliation Act of 1996, as amended, also known as the federal TANF block grant, moneys appropriated by the general assembly and any private donations or grants.

7. The unexpended balance of funds received from the federal TANF Block Grant, and the interest earned on such funds at the end of any biennium year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

8. The department of social services, division of family services shall collect and record in computer readable format data describing the demographics of persons applying for and receiving or not receiving public assistance and the actions taken by the department of social services, division of family services. The data shall cover applications, determinations of eligibility, granting, changing or denying benefits, amounts of benefits, sanctions, length of time on public assistance, age, physical or mental disability, incapacity to work as provided in subsection 7 of section 8 of this act, county and zip code of residence. The data collection shall be integrated with the tracking required under The Personal Responsibility and Work Opportunity Reconciliation of 1996, as amended, to avoid duplication.

9. The data, devoid of personal identification, shall be made available at actual cost of reproduction to universities or colleges and state agencies doing research on public assistance programs in a computer readable format.

10. The office of administration shall contract with a university, college or other agency independent of the department which has demonstrated expertise and experience in evaluating the success of programs of public assistance or human social development. In developing the request for proposal, the office of administration shall consult with the departments of elementary and secondary education, social services, mental health, labor and industrial relations, health and economic development. The purpose of the study will be to measure the performance of the public assistance system including inequities in the system. The scope of the study shall apply the science of statistics and probability to identify the demographics of persons receiving public assistance and the response of the public assistance system to the needs of the applicants and recipients. The study shall also look for patterns and anomalies based upon residence, county, division of family services region, race, age, marital status, gender, or other demographic categories.

11. The contractor shall do an annual analysis of the data and report on the performance of the public assistance system and any anomalies and inequities to the department of social services, the governor and the general assembly.

12. Upon the termination of any benefits or supportive services of a participant by the division as a sanction authorized pursuant to the provisions of this section, the participant shall be afforded a post-termination hearing within thirty days, on the record, with an opportunity for the participant to be heard.

13. No person shall without good cause, as such term is defined in Public Law 104-193 and regulations defined thereunder, refuse services offered by the department pursuant to this section. The department may provide sanctions against any person who violates the provisions of this subsection.

14. In recognition of the reality of family violence for some individuals who may need public assistance, and to ensure that applicants and recipients who are victims of abuse as defined in section 445.010, RSMo, are not placed at risk of abuse or unfairly penalized, the department shall, in accordance with the plan identified in subsection 3 of this section:

(1) Identify applicants and recipients who are such victims while protecting their confidentiality;

(2) Refer these individuals for supportive domestic violence services to increase self-sufficiency;

(3) Assess the need for a determination of good cause or hardship exemptions from families work requirements if such requirements place such applicants and recipients at risk of abuse.

15. (1) There is hereby established a joint committee of the general assembly to be known as the "Joint Legislative Welfare Reform and TANF Block Grant Oversight Committee". Such committee shall be composed of seven members of the senate, no more than two of which shall be members of the senate appropriations committee, appointed by the president pro tem of the senate, and seven members of the house of representatives, no more than two of which shall be members of the house budget committee, appointed by the speaker of the house. The appointment of each member shall continue during his or her term of office as a member of the general assembly or until a successor has been duly appointed to fill his or her place when such term of office as a member of the general assembly has expired. The joint committee shall meet at least biannually. Committee members shall receive no additional compensation, but shall be reimbursed for reasonable and necessary expenses related to fulfilling the duties of the committee. Such expenses shall be paid from the joint contingency fund. No more than four members of the senate and four members of the house shall be from the same political party. A majority of the members shall constitute a quorum.

(2) The joint committee may, within the limits of its appropriations, employ such persons necessary to carry out its duties. The compensation of such personnel shall be paid from the joint contingency fund. The joint committee may, within limits of appropriations for that purpose enter into contracts to provide such professional, legal or technical assistance as may be necessary for it to perform its functions.

(3) The duties of the joint committee shall include, but may not be limited to:

(a) Monitoring the design and implementation of the provisions of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;

(b) An annual review of the implementation of the state waivers and recommendations based upon such review submitted to the president pro tem of the senate and the speaker of the house of representatives regarding the continuance or discontinuance of such waivers;

(c) An annual evaluation of the funding levels, based upon the information provided by the department with recommendations submitted to the president pro tem of the senate, speaker of the house of representatives, chair of the senate appropriations committee and chair of the house budget committee regarding appropriate levels of funding for the families work act;

(d) Based on the analysis of the statewide data base of public assistance recipients provided by the department, make recommendations to the president pro tem of the senate and speaker of the house of representatives about which categories of needy individuals and families to exempt from the work participation

requirements pursuant to The Personal Responsibility and Work Opportunity Reconciliation Act of 1996;

(e) Making recommendations for administrative or procedural changes in the internal management or organization of the state agencies which provide or regulate public assistance programs;

(f) Compiling a report of its activities to be submitted to the members of the general assembly and the governor not later than January fifteenth of each year; and

(g) Any state funded agency which provides or regulates health care services shall cooperate with and assist the joint committee in the performance of its duties and shall make available all books, records and information as requested by the joint committee.

16. The department of social services is authorized to propose rules and regulations necessary to implement the programs and sanctions referenced in this section only as provided pursuant to chapter 536, RSMo and section 660.017, RSMo.

Section 7. 1. Subject to necessary federal waivers and appropriation authority, the department of social services shall implement programs and policies designed to provide transition to work benefits, as determined through an individualized assessment of needy families, as a part of the self-sufficiency pact. These programs shall include cash benefits, transportation assistance, child care and assistance with expenses related to job placement and employment. Child care income guidelines shall be assessed annually to determine if the availability of resources is sufficient. The eligibility criteria shall not exceed the income eligibility requirements for Medicaid for pregnant women and children. The department may implement such programs statewide or as pilot projects in specific geographical locations. These shall include programs designed to supplement the wages of recipients of benefits for twelve months or as provided by federal waivers by directing benefits provided through the work first program to employers who hire such individuals, pursuant to section 23 of this act.

2. Nothing in this section shall preempt or supersede any provision of state law that provides greater protection for employees from job displacement.

Section 8. 1. Missouri shall maintain its effort of spending in order to maximize the state's receipt of federal funds under The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, and to successfully implement programs that serve Missouri's low-income families and help them achieve self-sufficiency. The state of Missouri shall:

(1) Appropriate no less than one hundred percent of its fiscal year 1994 non-federal expenditures on "qualified state expenditures" as defined in section 409(a)(7)(B) of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended; and

(2) Maintain at least one hundred percent of the greater of its fiscal year 1994 or fiscal year 1995 non-federal expenditure on child care programs, as required by section 603(b) of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, in order to draw down the maximum amount of federal child care funds available to Missouri under The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended.

2. The qualified state expenditures that will count toward the maintenance of effort requirement for the TANF block grant are:

(1) State spending in the program created by the block grant on eligible families for:

(a) Cash assistance;

(b) Child care;

(c) Educational activities, designed to increase self-sufficiency, job training and work, excluding any

expenditure for public education except expenditures which involve the provision of services or assistance to a member of an eligible family which is not generally available to persons who are not members of an eligible family;

(d) Administrative costs, as defined by the state, not to exceed fifteen percent of the total amount of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Title I block grant; and

(e) Any other use of funds allowed under the grant. Such funds shall be expended in a manner that does not jeopardize the abilities of needy children and families to obtain public assistance;

(2) State expenditures in excess of the amount spent in fiscal year 1994 for other state or local programs on eligible families for the activities listed in subdivision (1) of this section;

(3) State spending on families who would otherwise be eligible for assistance if not for the application of the five year lifetime limit on federal benefits; and

(4) State expenditures that would have received federal match funds under former programs.

3. The Department of Social Services shall administer a fund to be known as the "Missouri General Revenue Maintenance of Effort Fund", which is hereby created in the state treasury. Moneys deposited in the fund shall equal one hundred percent of state funds expended in fiscal year 1994 on the aids to families with dependent children program, aid to families with dependent children related child care programs, the job opportunities and basic skills training program and emergency assistance programs. Eighty percent of such moneys deposited in the fund shall be appropriated for the qualified state expenditures provided in subsection 2 of section 8 of this act. The remaining twenty percent shall remain in the fund subject to appropriation at the sole discretion of the general assembly.

4. The unexpended balance existing in the fund and the interest earned on the fund at the end of any biennium year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

5. To reduce the number of applicants for public assistance, the department of social services may also use the Missouri general revenue maintenance of effort fund or Missouri families work program fund for temporary assistance for needy families to eliminate barriers to accepting employment and to assist individuals in remaining in the work place. Such funds may be used for, but not limited to, child support assurance payments, assisting families in making a child care payment, primary housing payment or rent or utilities payment, transportation allowance payment, work-related expense payment, medical expense payment, including personal care attendants for the disabled, that is not covered by Federal Title XIX or third party insurance payors. Such payment shall be limited to a non-recurring payment and shall be made directly to vendors or to reimburse individuals for the purchase of receipted necessary materials.

6. The Missouri general revenue maintenance of effort fund may also be used to provide assistance by establishing criteria for a state only funded program when the adult population served is not able to meet the federal work requirements due to age or due to physical or mental disabilities.

7. The Missouri general revenue maintenance of effort fund may also be used to provide assistance by establishing criteria for a state only funded program when the adult population served is not able to meet the federal work requirements due to incapacity of the adult to work because of the incapacity of the adult caretaker or the caretaker's dependent as determined by the department by rule. Beginning fiscal year 1999 the funding for this subsection shall be appropriated as a separate item. The provisions of this subsection shall expire on January 1, 2005.

8. The provisions of this section shall expire on June 30, 2002.

Section 9. As used in sections 9 to 28 of this act and any other sections administering the families work

program, the following terms mean:

- (1) "Department", the department of social services and all its divisions;
- (2) "Household", families that include a minor child who resides with a custodial parent, legal guardian or other caretaker relative;
- (3) "Minor child", an individual who:
 - (a) Has not attained eighteen years of age; or
 - (b) Has not attained nineteen years of age and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.

Section 10. 1. The department of social services through the families work program shall establish the "Work First Program" to replace the Aid to Families with Dependent Children (AFDC), the Job Opportunities and Basic Skills (JOBS) and the Title IV-A Emergency Assistance Program. The work first program will stress self-sufficiency through employment and shall require that adults be responsible for fulfilling their individual self-sufficiency plans, as defined in section 208.325, RSMo, while requiring the state to support targeted populations trying to secure and retain employment.

2. The work first program shall move able-bodied adults into work activities as an alternative to receiving public assistance. The department of social services shall establish the eligibility requirements for the work first program which shall be no more restrictive than those requirements in place on July 16, 1996.

3. Any individual wishing to make application for any of the public assistance programs administered or supervised by the state shall have the opportunity to do so. Such public assistance shall be furnished with reasonable promptness to each eligible individual in accordance with statute and rules of the department. The department or a division of the department shall consider an application for public assistance to be for any category of public assistance for which the applicant or the applicant's dependents may be eligible.

Section 11. 1. The department of social services shall determine eligibility requirements of the work first program. Such eligibility requirements shall include income and asset limits and shall also include, but not be limited to:

(1) Requiring an applicant to participate in the work first program work activities as defined in section 21 of this act, with exclusions approved by the department;

(2) Requiring an applicant to be a resident of the state of Missouri, and a United States citizen or a legal immigrant who resided in the United States prior to August 22, 1996; however, qualified legal aliens shall be allowed to apply for and receive public assistance funded through the federal TANF block grant program;

(3) Requiring an applicant to provide his or her Social Security number or numbers, if the individual has more than one such number, and by requiring the applicant for or recipient of benefits to cooperate with the department to obtain a social security number;

(4) Establishing that assistance benefits shall only be paid to families that include at least one minor child who resides with his or her father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, niece, legal guardian or other adult caretaker relative of the minor child;

(5) Requiring an applicant for benefits to state in writing, during the application process, whether that individual or any member of his or her household has been convicted under federal or state law of a felony offense which has as an element of the offense the possession, use or distribution of a controlled substance as defined in Section 102(6) of the Controlled Substances Act, 21 USC 802(6). This subdivision shall only apply to

convictions occurring after August 22, 1996, the date of the enactment of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;

(6) Compliance with all requirements regarding the assignment of rights to support by any recipient of or applicant for benefits; and

(7) Participation by any recipient of or applicant for benefits in procedures to establish paternity and to identify the father of a child for whom assistance is sought, unless such individual has good cause for refusing to cooperate as determined by the department of social services in accordance with federally prescribed standards in effect as of July 16, 1996.

2. For the purpose of determining eligibility to receive, or the amount of, any assistance or benefits through the Missouri work first program, the department of social services shall disregard funds made to or maintained in, including interest accruing on an individual development account.

3. The department of social services is authorized to propose rules and regulations necessary to implement the programs referenced in this section only as provided pursuant to chapter 536, RSMo and section 660.017, RSMo.

Section 12. The income levels and resource limits which qualify a family for benefits shall be determined by the department, shall be no more restrictive than those in place on July 16, 1996, for the aid to families with dependent children program, and shall be uniformly applied throughout the state.

Section 13. 1. The department shall require, as a condition of eligibility for benefits through the work first program, that each applicant for or recipient of benefits shall assign to the department any rights to support from any other person that such applicant or recipient may have on his or her own behalf or on behalf of any other family member for whom the applicant or recipient is applying for or is receiving benefits. Such assignment of rights to support shall take effect upon a determination by the department that the applicant is eligible for assistance through the work first program. The assignment shall be effective for current and accrued support obligations and shall authorize the division of child support enforcement of the department of social services to bring an administrative or judicial action to establish or enforce a current support obligation, to collect support arrearage that have accrued under an existing order for support, or to seek reimbursement of a support obligation pursuant to The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended.

2. The department shall not require as a condition of eligibility for benefits through the work first program that any member of a family must assign to the department any rights to support which accrue after the date the family leaves the program.

3. The department of social services shall implement the provisions necessary to collect current and accrued support obligations unless the department determines that such implementation is contrary to the best interest of a child on whose behalf benefits are claimed or of the caretaker of such a child. Such provisions shall include establishing the paternity of a child for whom support is claimed or obtaining any other payments or property that are due to such applicant or child. The divisions of family services and child support enforcement shall impose such sanctions as are consistent with The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, and are otherwise provided for by state law and through rules and regulations promulgated by the department of social services.

4. If the division of child support enforcement determines that an individual who is receiving benefits through the work first program fails or refuses to cooperate in establishing paternity or in establishing, modifying, or enforcing a support order with respect to a child and for whom benefits are sought or received and if the individual does not demonstrate to the satisfaction of the department good cause for such failure or refusal to cooperate or enforce a support order, the department shall impose sanctions. The department shall promulgate such regulations as are necessary to implement this statute, including setting forth time frames for ineligibility and establishing such exemptions as are deemed appropriate. The department shall promulgate rules concerning the implementation of this section.

5. Child care support is defined as the legal obligation of an individual to provide an amount required to be paid under a judgment decree or order, whether temporary or final, issued by a court of competent jurisdiction or an administrative agency specifically for the child care expenses of a child. Any rights to receive child care support under a state program funded under Part A of the Social Security Act or under the state plan approved under Part A of the Social Security Act are assigned to the state as a pre-condition of receiving child care assistance. Assignment of child care support does not constitute an assignment of the child support amount awarded for the basic child needs of food, clothing and shelter but only for the assignment of the specific award for child care costs.

6. The department of social services is authorized to propose rules and regulations necessary to implement the programs and sanctions referenced in this section only as provided pursuant to chapter 536, RSMo and section 660.017, RSMo.

Section 14. 1. Work first program benefits shall be granted on behalf of a needy child and may be granted to a caretaker relative or legal guardian caring for a needy dependent child if the child:

(1) Has been deprived of parental support or care by reason of the unemployment, death, continued absence from the home, or physical or mental incapacity of a parent;

(2) Is living with a caretaker relative or legal guardian;

(3) Is under the age of eighteen; and

(4) Is not eligible for work first program benefits under section 20 of this act because the child is not living with a parent or stepparent.

2. The amount of the monthly public assistance benefit payable hereunder shall be determined by the standards set forth in section 208.150, RSMo.

Section 15. Federal Title IV-E eligibility may be granted to a dependent child:

(1) Who would meet the requirements of aid to families with dependent children in effect as of June 1, 1995, except for his removal from the home of a relative as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child;

(2) For whose placement and care the division of family services is responsible;

(3) Who has been placed in a foster family home, or in either a for profit or nonprofit private child-care facility as a result of such determination; and

(4) Who:

(a) In and for the month in which court proceedings leading to such determination were initiated would have qualified for aid to families with dependent children under the requirements in effect on June 1, 1995, if application had been made therefor; or

(b) In the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have qualified for such aid in and for such month, if in such month he had been living with, and removed from the home of, such a relative and application had been made therefor.

Section 16. 1. The department is not prohibited by federal law from testing applicants or recipients of public assistance for the use of controlled substances or from sanctioning those who test positive for the use of such substances. Recipients of work first program benefits and food stamp recipients, who are required to participate in a work activity in order to retain their eligibility for such programs and who are denied employment due to

failing an employer-required controlled substance screening, shall have sixty days to become employed with the screening employer or obtain other employment.

2. (1) Denial of employment after failing a controlled substance screening and failure to become employed within sixty days of the screening shall result in a sanction of the work first program benefits and food stamp benefits for the household for a minimum of thirty days but not more than sixty days unless the department locates payment resources for drug rehabilitation.

(2) A second or subsequent denial of employment for failing a second or subsequent controlled substance screening and failure to become employed within sixty days of the screening shall result in a sanction of the work first program benefits and food stamp benefits for the household for a minimum of sixty days but not more than one hundred twenty days unless the department locates payment resources for drug rehabilitation.

3. All records obtained in an employer-required controlled substance screening, shall remain confidential between the applicant, the employer and the department.

4. An individual who has been convicted under federal or state law after August 22, 1996, of any felony offense which has as an element of the offense the possession, use, or distribution of a controlled substance as defined in Section 102(6) of the Controlled Substances Act, 21 USC 802(6), shall be sanctioned for a time period from receipt of benefits through any state program funded or carried out under Part A of Title IV of the Social Security Act or the Food Stamp Act of 1977.

5. Any person receiving public assistance benefits pursuant to chapter 208, RSMo, is deemed to have consented to a drug test to detect the use of controlled substances. Such test may be requested by the director of the department of social services. Any public assistance recipient who is found to have tested positive for the use of a controlled substance, which was not prescribed for such recipient by a licensed physician or dentist, may, after an administrative hearing conducted pursuant to the provisions of chapter 536, RSMo, be sanctioned as determined by the department director or his designee, for some or all public assistance benefits for a period up to one year from the date of the administrative hearing.

6. The director shall promulgate rules to effectuate the provisions of this section.

Section 17. 1. A dependent child eighteen years of age shall, in order to retain eligibility for benefits through the work first program, be enrolled as a full-time student in a public or private secondary school, or an equivalent level of vocational or technical school.

2. Any sanction imposed by the department for a recipient's failure to comply with requirements of subsection 1 of this section shall continue until the minor child is attending school. Good cause exceptions to this requirement may be made by the department if there is substantial evidence that the action of the parent or caretaker presents a probability of serious harm to the parent or caretaker.

3. Prior to imposing a sanction, the department shall make a reasonable effort to resolve disputes when a recipient of benefits through the work first program fails to meet the program requirements. Reasonable efforts shall include a written notice to the recipient of an intent to sanction. The notice shall include actions the recipient may take to avoid sanctions, an offer to discuss barriers to participation and, if appropriate, alternative program provisions that may be incorporated in an individual responsibility plan.

Section 18. The department shall deny benefits through the work first program to or on behalf of:

(1) Any member of a family that includes an adult who has received benefits for sixty months or more, whether or not consecutive, through this program or any other state program that has been created and funded through the provisions of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, after the date such state program has commenced unless:

(a) In any month during which benefits were provided to that individual he or she:

a. Was a minor child; and

b. Was not the head of household or married to the head of household;

(b) Benefits were provided to the individual during a month in which he or she lived on an Indian reservation or in an Alaskan Native village as defined in The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended; or

(c) The department elects to extend the period of eligibility for benefits for the individual and his or her family members;

(2) An individual who has been convicted in federal or state court of having made a fraudulent statement or representation with respect to his or her place of residence in order to receive benefits simultaneously from two or more states under programs that have been created and funded through The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Title XIX, the Food Stamp Act of 1977, the Supplemental Security Income Program under Title XVI, or any program under Title IV-D of the Social Security Act. The period of ineligibility shall begin on the date the individual was convicted of the offense and shall continue for ten years;

(3) An individual who:

(a) Is fleeing to avoid prosecution for custody or confinement after he or she has been convicted under any federal or state law of a crime which is a felony or, in the state of New Jersey, is a high misdemeanor; or

(b) Is violating a condition of probation or parole imposed under any federal or state law;

(4) An individual or on behalf of a minor child who has been or is expected by a parent or other caretaker relative to be absent from the home for such period of time as is designated by the department in Missouri's state plan filed pursuant to The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;

(5) The parent or other relative caretaker of a minor child who fails to notify the department of the absence of a minor child from the home by the end of the fifth day after it becomes apparent to the parent or relative caretaker that the child will be absent from the home for the period of time established by the department of social services and referred to in subdivision (4) of this section;

(6) An individual who is a recipient of assistance through other specific state programs designated to provide supplemental aid;

(7) Any other individual who is precluded from receiving benefits in accordance with the provisions of The Personal Responsibility and Work Opportunity Act of 1996, as amended.

Section 19. Work first program benefits shall not be granted or continued:

(1) Unless the benefits granted are used to meet the needs of the child and the needy eligible relative caring for a dependent child;

(2) To any person who refuses to accept vocational rehabilitation services or training or medical or other legal healing treatment necessary to improve or restore his capacity to support himself and his dependents, and it is certified by competent medical authority designated by the division of family services that such physical or mental incapacity can be removed, corrected or substantially improved; provided, however, the division of family services may in its discretion waive this requirement, taking into consideration the age of the individual, nature and extent of training and treatment, or whether he endangers the health of others in his refusal, whether the training or treatment is such that a reasonably prudent person would accept it, and all other facts and circumstances in the individual case;

(3) To a household that receives in any month an amount of income which together with all other income for that month, not excluded or disregarded by the division, exceeds the standard of need established by the department of social services. For the purposes of this subdivision, where consistent with federal law or regulation, "income" as established by the department of social services in conformance with The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, shall not include the proceeds of any life insurance policy, or prearranged funeral or burial contract, provided that such proceeds are actually used to pay for the funeral or burial expenses of the deceased family member, earnings of a student in school eighteen years of age or younger, child support assurance or earned income.

Section 20. 1. Except as otherwise provided in this section, benefits through work first program shall not be provided to an unmarried individual who has not attained the age of eighteen years if the individual:

(1) Has a minor child at least twelve weeks of age in his or her care and the individual has not successfully completed a high school education or a course of study resulting in a certificate of general equivalence unless the individual participates in:

(a) Educational activities directed toward the attainment of a high school diploma or a certificate of general equivalence; or

(b) An alternative educational or training program that has been approved by the department; or

(2) Is a single custodial parent of a child not residing in a home in which his or her parent(s), guardian(s), or adult relative(s) is also residing. Exceptions to this requirement shall be allowed in circumstances in which:

(a) The single custodial parent does not have a parent, legal guardian or other appropriate adult relative who is living or whose whereabouts are known;

(b) The single custodial parent does not have a parent, legal guardian, or other appropriate adult relative, who would otherwise meet applicable criteria to act as their legal guardian, who allows the single custodial parent to live in their home;

(c) The department determines that the single custodial parent or the minor child is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the single custodial parent's own parent or legal guardian;

(d) The department determines that substantial evidence exists of an act or failure to act that presents an imminent or serious harm to the single custodial parent or the minor child if the single custodial parent and the minor child lived in the same residence with the individual's parent or legal guardian; or

(e) The department otherwise determines that it is in the best interest of the minor child to waive these requirements with respect to the single custodial parent or the minor child.

2. In circumstances in which the department determines that an individual does not have an appropriate living arrangement in accordance with subsection 1 of this section, the division shall assist the individual in obtaining a second chance home, maternity home, or other appropriate adult-supervised supportive living arrangement. Thereafter, the division shall require the individual and any child who is in the care of the individual to reside in such home or other living arrangement as a condition of the individual's continued eligibility for benefits through the work first program.

Section 21. 1. Work activities for the work first program shall be those activities which are set forth in The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, or those activities which are permitted under a federally approved waiver granted to the department of social services. The department shall promulgate such regulations as are necessary to implement and enforce work activities requirements, including waiver exemptions that are inconsistent with the requirements of The Personal Responsibility and

Work Opportunity Reconciliation Act of 1996, as amended, or a federally approved waiver.

2. An individual who is a single parent head of household of one or more children of any age who is himself or herself not yet twenty years of age is deemed to be engaged in work for a month if the individual:

(1) Maintains satisfactory attendance, during the month, in a secondary school or a course of study leading to a certificate of general equivalence; or

(2) Participates in education directly related to employment.

3. The department shall establish a system of sanctions that shall be imposed regarding an individual's continued qualification for benefits through the work first program in circumstances in which the individual fails or refuses to cooperate in participating in work activities as set forth in this section. Such system of sanctions shall set forth the types of benefits for which a sanctioned individual will be disqualified and the period of time that such sanctioned individual will remain disqualified from receiving such benefits. The state shall reduce the amount of assistance otherwise payable to the family pro rata with respect to any period during a month in which the individual so refuses to engage in work requirements in accordance with The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, subject to good cause and other exceptions as the state might establish. Imposition of such sanctions shall be subject to good cause and such other exceptions as are established by the department. However, sanctions may not be imposed for benefits provided through the Medicaid for pregnant women program or the Medicaid for children program as set forth in section 208.151, RSMo. Notwithstanding the provisions of section 208.180, RSMo, the department may establish that an individual who has been sanctioned for any period of time for failure to cooperate with work activities requirements shall be able to receive benefits through the work first program only after he or she is in compliance on a monthly basis with work activities requirements.

Section 22. 1. The department of social services through the families work program shall establish the "Child Support Assurance Program". The child support assurance program shall provide benefits to children who meet specific eligibility requirements.

2. The department will aggressively collect child support and intensify its efforts consistently with the new child support requirements of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended.

3. The state shall provide monthly child support assurance money payment benefits to needy children in all appropriate circumstances and it will also intensify its efforts to ensure that families obtain self-sufficiency.

4. In order to participate in the child support assurance program:

(1) The custodial parent shall be employed and have an earned, gross income that does not exceed one hundred percent of the federal poverty limit by household size;

(2) The department ascertains that the noncustodial parent has a legal order to pay child support;

5. The department shall design the necessary administrative procedures for the timely review of custodial parent earnings;

6. When a custodial parent is receiving a cash grant from the department to support the family, and the custodial parent begins and receives earnings from an employer, if the household has a legal order to establish child support, child support assurance shall be initiated for the children. When the household's earning exceeds the standard of need for cash assistance, they will transition to the below poverty level child support assurance.

7. If the funds at the disposal or which may be obtained by the department of social services for the payment of child support assurance program benefits shall at any time become insufficient to pay the full amount thereof, the amount of any payment to or on behalf of each of such persons shall be reduced pro rata in proportion to

such deficiency in the total amount available or to become available for such purpose.

Section 23. 1. Except as otherwise provided in this section, an adult receiving benefits through the work first program may fill a vacant employment position in order to engage in work activities. An adult receiving benefits through the work first program, who fills a vacant employment position in order to engage in work activities must be guaranteed a wage equivalent to that of the minimum wage.

2. A supplemental wage assistance employment position made available pursuant to this section may not be created as the result of, or may not result in, any of the following:

- (1)** Displacement or partial displacement of current employees, including but not limited to, overtime currently being worked by employees, a reduction in non-overtime work hours, wages or employment;
- (2)** The filling of positions which would otherwise be promotional opportunities for current employees;
- (3)** A strike, lock out or other bona fide labor dispute or violation of any existing collective bargaining agreements between employees and employers; or
- (4)** The filling of a position created by termination, layoff or reduction in workforce.

3. An individual who believes that he or she has been adversely affected by a violation of this subsection or the organization that is duly authorized to represent the employee, shall be afforded an opportunity to grieve it. The employee or his/her organization must first attempt to remedy the alleged violation through a meeting with the employer within thirty days of the request for the meeting. If the complaint is not resolved to the satisfaction of the employee, he/she may appeal to the Missouri State Department of Labor and Industrial Relations. The hearing must be conducted in accordance with rules and notification requirements adopted by Missouri department of labor and a decision must be rendered within forty-five days of the hearing. If there is an existing grievance procedure in a collective bargaining agreement, it must be followed. Remedies shall include reinstatement, retroactive pay and benefits.

4. Nothing in this section shall preempt or supersede any provision of state law that provides greater protection for employees from job displacement.

Section 24. 1. There is hereby established in each office of the department of social services which takes applications for work first assistance or joint office when co-located with another agency, a direct placement program. The department shall identify which case worker or case managers will participate in the program. Participation shall be voluntary. The case workers and case managers together with the office director or designee, shall identify employers or job vacancies which recipients may be referred to for interviews and possible employment.

2. Each self sufficiency pact shall identify a time when the recipient will be referred to the direct placement program. Any recipient referred to the direct placement program who refuses to go for or does not attend an interview established by a case worker or manager, or who refuses to accept a job offered by an employer, without good cause, shall be sanctioned according to the provisions of subsection 3 of section 21.

3. Each case worker participating in the direct placement program shall be eligible for a bonus plan, hereby established. The provisions of chapter 36, RSMo, to the contrary notwithstanding, each participating employee shall, subject to appropriations, receive a bonus of one hundred dollars for each successful recipient above the base rate. The maximum bonus paid during any fiscal year shall be two thousand dollars. The bonus shall be paid twice a year. The base rate shall be equal to twenty five percent of the persons, receiving cash assistance funded by the Missouri families work program, in the eligible employees average monthly case load over the previous twelve months but not less than ten. Successful recipients shall be those recipients of work first assistance who are employed at least thirty hours a week and have retained such employment for at least six months. The department may establish additional requirements relating to employee eligibility or measuring successful recipients, deemed necessary for successful operation of the bonus plan. The department shall request

suggestions about the bonus plan from, but not limited to, employees, appropriate union associations or other associations such as the National Eligibility Association and the County Directors Association. The provisions of this subsection shall sunset sixty months following the effective date of this act.

Section 25. 1. The department shall establish "individual development accounts" whereby individuals receiving work first benefits may accumulate assets for specific purposes as defined in The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended. Any assets accumulated in an individual development account shall not be counted in determining eligibility or benefits for the purpose of work first program or any other cash assistance program operated pursuant to this section.

2. These accounts shall be used for the purpose of enabling individuals to accumulate funds for the following purposes:

(1) Post-secondary educational expenses;

(2) First home purchase; or

(3) Business capitalization.

3. The department of social services is authorized to propose rules and regulations necessary to implement this section only as provided pursuant to chapter 536, RSMo and section 660.017, RSMo.

Section 26. 1. A corporate taxpayer that pays for child care services in Missouri for dependent children of an employee of the taxpayer during the employee's hours of employment may claim a credit against the corporate income tax imposed pursuant to chapter 143, RSMo, in an amount equal to thirty percent of the total expenses, net of any reimbursements, for child care services incurred and paid by the taxpayer in the taxable year. This credit shall apply for those employees that have an annual gross income of twenty-one thousand dollars or less.

2. A corporate taxpayer that operates a child care facility in Missouri, in which at least fifty percent of the children attending the facility are the dependent children of the taxpayer's employees that have an annual gross income of twenty-one thousand dollars or less, may also claim a credit against the corporate income tax imposed pursuant to chapter 143, RSMo, in an amount equal to thirty percent of the net cost of operating a child care facility for the taxable year. If two or more taxpayers share in the cost of operating a child care facility primarily for the dependent children of the taxpayer's employees, that have an annual gross income of twenty-one thousand dollars or less, each corporate taxpayer shall be allowed a credit in relation to the taxpayer's share of the cost of operating the child care facility. Each corporate taxpayer's share of the tax credit shall be determined by dividing the number of the taxpayer's employees' children served by the total number of children served and multiplying the result by the net cost of operating the child care facility. The credit allowed pursuant to this subsection may be taken only if the child care facility is operated under the authority of a license issued by the department of health. For the purposes of this section, the term "net cost" means the cost of operating a child care facility less any amounts collected as fees for use of the facility, any federal tax credits with respect to the facility or its operation and any other payment or reimbursement from any other source other than the credit provided by this section.

3. For the purposes of this section, "dependent children" means natural, adopted, stepchildren, or wards who are under eighteen.

4. The credits provided for by subsections 2 and 3 of this section may only be deducted from the taxpayer's corporate income tax liability for the taxable year in which the expenditure occurred. The credit may not exceed thirty thousand dollars in any taxable year. If the credit amount exceeds the corporate income tax liability, the excess may be carried forward for three consecutive years; provided that in no event shall the annual credit amount exceed thirty thousand dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as child care facilities as defined in this section. The director of the department of social

services may require of a facility seeking to be classified as a child care facility whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a child care facility if such facility meets the requirements set forth in subsections 1 and 2 of this section.

6. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing for child care facilities in any one fiscal year shall not exceed five million dollars.

7. The department of social services shall evaluate and make recommendations regarding the necessity for the creation for other tax credits which may apply to:

(1) Costs paid or incurred by a corporate taxpayer for contributions used to provide child care for employees' children; and

(2) Cost paid or incurred by a corporate taxpayer for contributions used to provide after school, holiday and summer care programs for employees' children.

Section 27. 1. The department in conjunction with community colleges and vocational schools shall develop pilot programs utilizing a coordinated approach to enable people receiving public assistance to obtain an education that leads to permanent full-time employment with benefits while ensuring that they meet the work participation requirements under The 1996 Personal Responsibility and Work Opportunity Reconciliation Act.

2. At least one pilot program shall be established with a community college and at least one with a vocational school. The pilot programs shall include activities in which will count towards the work participation rate such as:

(1) Work/study employment;

(2) Cooperative work experience where students earn units of college credit for their work;

(3) Internships where students obtain practical work experience in the occupational field in which they are training;

(4) Community service programs where students perform community service work in their field of study while earning a stipend for future continued education; and

(5) Work opportunity agreements where students who participate in a work opportunity program with private business are guaranteed employment in the field of their training at the successful completion of their education.

3. Community college and vocational school staff will coordinate services for students.

4. Subsidized child care will be provided while welfare recipients are attending college, vocational school and participating in work activities.

5. The department shall contract for independent evaluation of the pilot programs and report to the legislature annually.

Section 28. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to the effective date of this act."; and

Further amend said bill, Page 1, In the Title, Line 20, by striking the words "federal mandates for child support enforcement" and inserting in lieu thereof the words "The Personal Responsibility and Work Opportunity Reconciliation Act of 1996"; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SA 1** is out of order in that it exceeds the scope and intent of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

The President recognized Senator Maxwell to close.

Senator Kenney raised the point of order that Senator Maxwell should not have been recognized to close, as he was seeking recognition.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Maxwell offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, Pages 70-75, Section 536.028, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

The President announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

Senator Mathewson assumed the Chair.

Senator Sims offered **SA 2** to **SA 1**:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, Pages 129-132, Section 26, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3** to **SA 1**, which was read:

SENATE AMENDMENT NO. 3 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, Page 126, Section 23, Line 19, by removing all of said section.

Senator Klarich moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

At the request of Senator Caskey, **HCS** for **HB 411**, with **SS**, **SA 1** and **SA 3** to **SA 1** (pending), was placed on the Informal Calendar.

Senator Mathewson moved that **HCS** for **HB 589**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Goode, **SA 4** was withdrawn.

Senator Mathewson offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 589, Page 29, Section 99.845, Line 22 of said page, by striking the word "and"; and further amend lines 24 of said page, by inserting immediately after the word "Missouri" the following: "**; and**

(4) The rebate is authorized by concurrent resolution of the general assembly"; and

Further amend said bill and section, page 30, line 12 of said page, by inserting immediately after the word "appropriations" the following: "**for each project**".

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 589, Page 25, Section 99.845, Line 10, by inserting immediately after the word "the" at the end of said line the following: "**merchants and manufacturer's inventory replacement tax levied by article X, section 6.2 of the Missouri constitution or the**"; and

Further amend said bill, page 25, section 99.845, line 11, by inserting immediately after said line the following: "**Said taxes specifically described in said subsection shall not affect prior year levies and shall only take effect upon the effective date of said act.**".

Senator Goode moved that the above amendment be adopted, which motion prevailed on a standing division vote.

At the request of Senator Mathewson, **HCS** for **HB 589**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 379**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HS** for **HCS** for **HB 495**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of William Kahn, as a member of the State Board of Education, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Flotron moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 165**, as amended: Senators Mathewson, DePasco, Scott, Kinder and Childers.

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **HB 288**, as amended: Senators Goode, Caskey, Maxwell, Flotron and Ehlmann.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HB 738**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon and the conferees be allowed to exceed the differences.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HCS** for **HB 738**, as amended, and grant the House a conference thereon and that the conferees be allowed to exceed the differences, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1**, **SA 1** to **HB 831** and has again taken up and passed **HB 831** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SS** for **SB 97**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 207** as amended and has taken up and passed **CCS** for **HB 207**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 394** and has taken up and passed **CCS** for **HB 394**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HS** for **HCS** for **SCS** for **SB 16**, as amended, and has taken up and passed **CCS No. 2** for **HS** for **HCS** for **SCS** for **SB 16**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SB 218** and has taken up and passed **CCS** for **HS** for **HCS** for **SB 218**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 89**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SB 89**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 141**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SB 141**.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 738**, as amended: Senators Caskey, Jacob, Goode, Ehlmann and Singleton.

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the

House on **HS** for **SS** for **SB 97**, as amended: Senators Schneider, Wiggins, Goode, Ehlmann and Klarich.

On motion of Senator Quick, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 866, regarding Adam Phillip Sherron, St. Louis, which was adopted.

Senator Flotron offered Senate Resolution No. 867, regarding Mr. Lawrence J. Essmann, which was adopted.

Senator Flotron offered Senate Resolution No. 868, regarding Matthew Ryan Hanson, St. Louis, which was adopted.

Senator Mueller offered Senate Resolution No. 869, regarding Mrs. Terri Heller and the Marketing Education Program at Parkway South High School, Manchester, which was adopted.

Senator Mueller offered Senate Resolution No. 870, regarding Maria D'Souza, St. Louis, which was adopted.

Senator Maxwell offered Senate Resolution No. 871, regarding Kyle Cope, which was adopted.

Senator Klarich offered Senate Resolution No. 872, regarding Kate Parks, Washington, which was adopted.

Senator McKenna offered Senate Resolution No. 873, regarding the Festus/Crystal City Elks Lodge #1721, which was adopted.

Senator Flotron offered Senate Resolution No. 874, regarding Jaime Kennington, which was adopted.

Senator Flotron offered Senate Resolution No. 875, regarding Tom Hadfield, Ballwin, which was adopted.

Senator Caskey offered Senate Resolution No. 876, regarding Tine Sledd, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 877, regarding Sonya Formhals, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 878, regarding Liana Kidwiler, Clinton, which was adopted.

Senator Klarich offered Senate Resolution No. 879, regarding the Rotary Club, Union, which was adopted.

Senator Schneider offered Senate Resolution No. 880, regarding Travis Hume, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for **HJR 1**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article IX of the Constitution of Missouri, relating to education and adopting one new section in lieu thereof relating to the same subject.

Was taken up by Senator McKenna.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Joint Resolution No. 1, Page 2, Section 7, Lines 15-22, by striking all of said lines and inserting in lieu thereof the following:

"2. The proceeds of all forfeitures collected for any breach of a penal law shall be remitted to the director of revenue for deposit in a fund established in the state treasury. Fifty percent of the deposited moneys in the fund shall annually be appropriated by the general assembly for training for peace officers and for distribution to state, county and municipal law enforcement agencies and prosecuting and circuit attorneys as provided by law. The remaining fifty percent of these proceeds shall be transferred to the state school moneys fund or its successor fund established by law."

Senator Goode moved that the above amendment be adopted.

At the request of Senator McKenna, **HCS** for **HJR 1**, with **SA 1** (pending), was placed on the Informal Calendar.

HB 342, introduced by Representative Lumpe, entitled:

An Act to repeal section 208.480, RSMo 1994, relating to federal reimbursement allowance, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Lybyer.

On motion of Senator Lybyer, **HB 342** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Clay	Curls--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Klarich, on behalf of the conference committee appointed to act with a like committee from the House on SCS for **HB 394**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 394

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 394, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 394;
- 2. That the House recede from its position on House Bill No. 394;
- 3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 394 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ David J. Klarich /s/ Gracia Y. Backer

/s/ John E. Scott /s/ May Scheve

/s/ Bill McKenna /s/ John Loudon

/s/ Danny Staples /s/ W.W. (Bill) Gratz

/s/ Franc Flotron /s/ Bubs Hohulin

Senator Klarich moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
Nays--Senators--None			
Absent--Senators			

Clay Curls Johnson McKenna--4

Absent with leave--Senators--None

On motion of Senator Klarich, **CCS** for **SCS** for **HB 394**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 394

An Act to repeal sections 144.070 and 301.131, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Bentley	Childers	Clay	Curls--4
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Staples, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 207**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 207

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Bill No. 207, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Bill No. 207;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 207 as amended by Senate Amendments Nos. 1, Part II of 2, 3, 4 and 5;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Danny Staples /s/ Don Koller

/s/ Michael J. Lybyer /s/ Sam Gaskill

/s/ Bill McKenna /s/ Charles Nordwald

/s/ Morris Westfall /s/ Sam Leake

/s/ Franc Flotron /s/ Gracia Y. Backer

Senator Staples moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators

Howard Rohrbach--2

Absent--Senators

Clay Curls Schneider--3

Absent with leave--Senators--None

On motion of Senator Staples, **CCS** for **SS** for **SCS** for **HB 207**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 207

An Act to repeal sections 301.280, 301.550, 301.555, 301.557, 301.559, 301.562, 301.563, 301.564, 301.565, 301.572, 301.573, 303.024, 303.025, 303.026 and 303.030, RSMo 1994, and sections 301.140, 301.553, 301.560, 301.566 and 301.570, RSMo Supp. 1996, relating to the motor vehicle commission, and to enact in lieu thereof twenty-three new sections relating to the same subject, with an emergency clause and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Graves
House	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28

Nays--Senators

Howard	Rohrbach	Russell--3
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Absent--Senators

Clay	Curls	Goode--3
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode

Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators

Howard	Rohrbach--2
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Absent--Senators

Clay	Curls--2
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Absent with leave--Senators--None

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator McKenna moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 141** and request the House to take up and pass the bill, which motion prevailed.

Senator Howard moved that **SB 320**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 320**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 320

An Act to repeal sections 256.453, 256.468 and 256.471, RSMo 1994, relating to the registration of geologists, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Howard moved that **HCS** for **SB 320**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	DePasco
Ehlmann	Goode	Graves	House

Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins
Yeckel--29			

Nays--Senators--None

Absent--Senators

Bentley	Clay	Curls	Flotron
Staples--5			

Absent with leave--Senators--None

On motion of Senator Howard, **HCS** for **SB 320**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--28

Nays--Senators--None

Absent--Senators

Banks	Clay	Curls	Flotron
Goode	Staples--6		

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SB 171**, with **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators--None

Absent--Senators

Bentley	Clay	Curls	McKenna
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Mueller--5

Absent with leave--Senators--None

HA 2 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	DePasco
Ehlmann	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Sims	Singleton

Staples	Westfall	Wiggins	Yeckel--28
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Nays--Senators--Rohrbach--1

Absent--Senators

Bentley	Clay	Curls	Flotron
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Scott--5

Absent with leave--Senators--None

On motion of Senator Caskey, **SB 171**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

Nays--Senators--Rohrbach--1

Absent--Senators

Clay	Curls	Flotron	Scott--4
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SS** for **HB 578**, with **HPA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HPA 1 was taken up.

Senator Caskey moved that the above perfecting amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay	Curls	Quick--3
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Absent with leave--Senators--None

Senator Caskey moved that **SS** for **HB 578**, as amended by **HPA 1**, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **HB 578**, as amended by **HPA 1**, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--Mueller--1

Absent--Senators--Clay--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator McKenna moved that **HCS** for **HJR 1**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Jacob offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Committee Substitute for House Joint Resolution No. 1, Page 1, Line 11, by inserting immediately after said line the following:

"3. Any funds received by state, county and municipal law enforcement agencies as a result of federal forfeiture proceedings shall be deposited in the fund established pursuant to subsection 2 of this section."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson resumed the Chair.

SA 1, as amended, was again taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

On motion of Senator McKenna, **HCS** for **HJR 1**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Klarich Lybyer--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

President Pro Tem McKenna resumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SS** for **SB 97**, as amended: Representatives: Green, Kissell, Parker, Donovan and Murphy.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **HB 288**, as amended: Representatives: Lumpe, Wiggins, Williams (121), Griesheimer and Crawford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HS** for **HB 811**, as amended: Representatives: Lakin, Lumpe, Dougherty, McClelland and Donovan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1**, **SCA 2**, **SA 1** to **HS** for **HB 389** and has again taken up and passed **HS** for **HB 389** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1**, **SA 2** to **HCS** for **HB 635** and has again taken up and passed **HCS** for **HB 635** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 738**, as amended: Representatives: Hosmer, Smith, Williams (121), Alter, Patek.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 3 on **SCS** for **HCS** for **HB 276**, as amended, and has taken up and passed **CCS No. 3** for **SCS** for **HCS** for **HB 276**.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HJR 2**; **HCS** for **HJR 9**; **SCS** for **HJR 16**; and **HJR 18**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Senator Mathewson resumed the Chair.

PRIVILEGED MOTIONS

Senator Maxwell moved that **SCS** for **HCS** for **HB 557**, with **HPA 1** and **HPA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HPA 1 was taken up.

Senator Maxwell moved that the above perfecting amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--Rohrbach--1

Absent--Senators--Singleton--1

Absent with leave--Senators--None

HPA 2 was taken up.

Senator Maxwell moved that the above perfecting amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators

Flotron Rohrbach--2

Absent--Senators

Clay Curls--2

Absent with leave--Senators--None

Senator Maxwell moved that **SCS** for **HCS** for **HB 557**, as amended by **HPA 1** and **HPA 2**, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **HCS** for **HB 557**, as amended by **HPA 1** and **HPA 2** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	DePasco
Ehlmann	Goode	Graves	House
Howard	Jacob	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--26		

Nays--Senators

Flotron Kenney Mueller Rohrbach--4

Absent--Senators

Bentley Clay Curls Johnson--4

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Quick, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 276**, submitted the following conference committee report no. 3:

CONFERENCE COMMITTEE REPORT NO. 3 ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 276

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Committee Substitute for House Committee Substitute for House Bill No. 276; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 276;
2. That the House recede from its position on House Committee Substitute for House Bill No. 276;
3. That the attached Conference Committee Substitute No. 3 for Senate Committee Substitute for House Committee Substitute for House Bill No. 276 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Ed Quick /s/ D.J. Davis

/s/ Bill McKenna /s/ Bill Skaggs

/s/ John E. Scott /s/ Tim Harlan

/s/ Doyle Childers /s/ Bill Linton

/s/ Betty Sims /s/ Bonnie Sue Cooper

Senator Quick moved that the above conference committee report no. 3 be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson

Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins
Yeckel--29			

Nays--Senators--None

Absent--Senators

Bentley	Clay	Curls	Lybyer
Staples--5			

Absent with leave--Senators--None

On motion of Senator Quick, **CCS No. 3** for **SCS** for **HCS** for **HB 276**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 3

FOR SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 276

An Act relating to safety regulations for amusement rides, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Clay	Ehlmann	Sims--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Caskey moved that **HCS** for **HB 411**, with **SS**, **SA 1** and **SA 3** to **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 3 to **SA 1** was again taken up.

At the request of Senator Klarich, the above amendment was withdrawn.

Senator Klarich offered **SA 4** to **SA 1**:

SENATE AMENDMENT NO. 4 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, Page 126, Section 23, Line 19, by deleting all of said section and insert in lieu thereof the following:

"Section 23. 1. Except as otherwise provided in this section, an adult receiving benefits through the work first program may fill a vacant employment position in order to engage in work activities. An adult receiving benefits through the work first program, who fills a vacant employment position in order to engage in work activities must be guaranteed a wage equivalent to that of the state minimum wage.

2. A supplemental wage assistance employment position made available pursuant to this section may not be created as the result of the following:

(1) when any other individual is on layoff from the same or any substantially equivalent job; or

(2) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult described in paragraph 1.

3. The Missouri State Department of Labor and Industrial Relations shall establish and maintain a grievance procedure in order to resolve only alleged violations of this section. All rulemaking authority granted pursuant to this section is subject to any rulemaking authority contained in chapter 536, RSMo."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 5** to **SA 1**, which was read:

SENATE AMENDMENT NO. 5 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, Page

68, Section 210.256, Lines 9 and 10, by deleting the brackets on said lines; and further amend said amendment, same section and page, lines 10-13, by deleting all of the underlined language.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 6** to **SA 1**, which was read:

SENATE AMENDMENT NO. 6 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, Page 61, Section 208.732, Line 24 of said page, by deleting the words "lieutenant governor" on said line and inserting in lieu thereof the words "state treasurer".

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Rohrbach offered **SA 7** to **SA 1**, which was read:

SENATE AMENDMENT NO. 7 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, Pages 125 and 126, Section 22, by deleting all of said section.

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Ehlmann offered **SA 8** to **SA 1**:

SENATE AMENDMENT NO. 8 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, Pages 54-62, Sections 208.700-208.737, by striking all of said sections; and inserting in lieu thereof the following:

"208.700. In order to promote diverse approaches to the problems of poverty and to encourage maximum local participation and volunteerism, the "Community Partnership Program" is hereby created as a pilot program in the State of Missouri.

208.701. This program shall be organized by the department of social services in two Missouri counties. Any county desiring to be eligible to participate shall be required to provide the department of social services with no less than five written statements from organizations within the county declaring their intent to act as partners in the community partnership program. The department shall establish selection criteria for participation in this program. The program shall be implemented within the first six months from the effective date of this act. There shall be a publicized competitive bid process for selecting the participating organizations. As a result of such contracts, there shall be no displacement of current state workers who distribute public assistance.

208.703. As used in sections 208.700 to 208.737, the following terms shall mean:

(1) "Community partnership organization", any of the following which chooses to dispense public assistance to qualified individuals, and meets the requirements set forth in section 208.725:

(a) Governmental body; or

(b) Organization that has obtained an exemption from the payment of federal income taxes as provided in section 501 (c) (3), of Title 26, United States Code, as amended;

(2) "Director", the director of the division of family services;

(3) "Division", the division of family services;

(4) "Program", the community partnership program established pursuant to this act;

(5) "Public assistance", the cash payment to a qualified individual;

(6) "Qualified individuals", any individual who receives any cash assistance administered by the division of family services;

208.707. Those qualified individuals who elect to participate in the program shall enter into a contractual agreement with a community partnership organization of the qualified individual's choosing for the purpose of distributing public assistance and providing services pursuant to section 208.715. No qualified individual shall enter into more than one contractual arrangement with a community partnership organization concurrently.

208.710. 1. The division shall:

(1) Determine and publicly disclose the aggregate amount of cash assistance to be dispersed for work first benefits, and the total costs for administering said assistance as a percentage of said aggregate amount;

(2) Calculate the cash assistance to be distributed to qualified individuals who choose to participate in the program in the same manner as the cash assistance distributed to those individuals who elect not to participate;

(3) Not reduce the monthly cash assistance of those who elect not to participate in the program based upon the amount of moneys transferred to the community partnership program fund pursuant to this section;

(4) Not set a cash assistance amount for qualified individuals who elect to participate in a community partnership program that is less than the cash assistance amount of those who do not participate in the program;

(5) Develop standardized forms for the contractual agreements between the division and community partnership organizations and between qualified individuals and community partnership organizations;

(6) Provide qualified individuals with information on a regular basis of any community partnership organizations available within the geographical area of the qualified individual;

(7) Establish a method for qualified individuals to register complaints on community partnership organizations for noncompliance of the terms of duly executed contractual arrangements.

2. Payments to implement sections 208.700 to 208.737 shall be made from the community partnership program fund created in section 208.730.

208.712. Any community partnership organization may contract with the division to distribute cash assistance to qualified individuals who elect to participate in a community partnership program.

208.715. Any community partnership organization, in establishing and maintaining a community partnership program, may:

(1) Charge qualified individuals who choose to participate a fee for the provision of services equal to the amount of the community partnership organization's administrative costs for providing said services not to exceed ten percent of the individuals cash assistance; however, the community partnership organization shall not charge a fee in excess of the cash value of the benefits and services provided to the individual.

(2) Supplement the cash assistance to which a qualified individual, who has entered into an agreement with the community partnership organization pursuant to section 208.707, with additional cash grants, gifts, or services, including, but not limited to, the following:

- (a) Child day care in a child day care center;**
- (b) Job training;**
- (c) Transportation;**
- (d) Food or household necessities;**
- (e) Remedial education;**
- (f) Domestic skills training;**
- (g) Parenting instruction;**
- (h) Health benefits.**

208.717. As a condition of the receipt of cash assistance or any other support provided by a community partnership organization, including those services set out in section 208.715, a community partnership organization may require qualified individuals to meet any additional standards, except that the community partnership organization may not require the qualified individual to:

- (1) Perform any illegal act; or**
- (2) Participate in any religious instruction, activity or worship service.**

208.720. Qualified individuals who fail to meet the requirements of a duly executed contractual agreement with a community partnership organization shall forfeit to the division, upon a fifteen-day notice to the qualified individual and the division, any increase in their cash assistance provided for in section 208.730, over that which the qualified individual would otherwise receive and shall forfeit to the community partnership organization any other supplemental support provided by the community partnership organization pursuant to section 208.715. The forfeiture shall continue until a qualified individual is deemed by the community partnership organization under terms established by the division or by the division to be in compliance with the provisions of the contractual agreement, or until the contract is terminated by the qualified individual or the community partnership organization pursuant to section 208.722. If a contractual agreement between a community partnership organization and a qualified individual is terminated, the qualified individual shall be deemed to be a nonparticipant in the program for a period of thirty days or until the said qualified individual enters or re-enters into a contractual agreement with a community partnership organization, whichever is less. Those recipients deemed to be nonparticipants due to termination of a contract shall receive cash assistance as otherwise provided for by law.

208.722. Every duly executed contractual agreement between a qualified individual and a community partnership organization shall contain a provision allowing the qualified individual or the community partnership organization the right to rescind the agreement upon thirty days notice to the division and to all parties to the said contractual agreement.

208.725. The division shall require community partnership organizations to meet the following conditions before entering into or re-entering into any contractual agreement with the division for the provision of services pursuant to section 208.715:

- (1) Meet the definition established in section 208.702, for community partnership organizations;**

- (2) Be in existence for a period of at least five years before they are eligible for the program;
- (3) Demonstrate to the division, through a written report, the services that are to be provided;
- (4) Allow audits of cash assistance distributed to recipients pursuant to sections 208.707 and 208.710;
- (5) Agree that the community partnership organization will not discriminate on the basis of race, sex, age, disability, religion, or national origin; and
- (6) Establish and maintain a system for addressing the grievances of those qualified individuals affected by the contract with the division.

208.730. The "Community Partnership Program Fund" is hereby created in the state treasury to support the provisions of sections 208.700 to 208.730. Moneys shall be appropriated to the fund to provide cash assistance to qualified individuals that are at least equal to the cash assistance that such individuals would otherwise receive plus an amount at least equal to ten percent of the total amount transferred or the amount of savings resulting from implementation of the program. Moneys in the community partnership program fund that are not required to meet or augment the community partnership program funding requirements of the state in any fiscal year shall be invested by the state treasurer in the same manner as other surplus funds are invested. Interest, dividends and moneys earned on such investments shall be credited to the community partnership program fund. Such fund may also receive gifts, grants, contributions, appropriations and funds or cash assistance from any other source or sources, and make investments of the unexpended balances thereof." and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 9** to **SA 1**, which was read:

SENATE AMENDMENT NO. 9 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, Page 61, Section 208.732, Line 21, by deleting all of said section.

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Singleton, **SA 9** to **SA 1** was withdrawn.

Senator Jacob offered **SA 10** to **SA 1**, which was read:

SENATE AMENDMENT NO. 10 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, Page 2, Section 167.260, Lines 19-26, by deleting said lines.

Senator Jacob moved that the above amendment be adopted, which motion failed.

SA 1, as amended, was again taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 411, Page 1, In the Title, Lines 21 and 22, by striking the following: "complying with federal mandates for child support enforcement" and inserting in lieu the following: "providing certain services to families"; and

Further amend said bill, page 40, section 451.040, line 9, by inserting immediately after said line the following:

"452.150. The father and mother living apart are entitled to an adjudication [of] **by** the circuit court as to their powers, rights and duties in respect to the custody and control and the services and earnings and management of the property of their unmarried minor children without any preference as between the said father and mother, and neither the father nor the mother has any right paramount to that of the other in respect to the custody and control or the services and earnings or of the management of the property of their said unmarried minor children; pending such adjudication the father or mother who actually has the custody and control of said unmarried minor children shall have the sole right to the custody and control and to the services and earnings and to the management of the property of said unmarried minor children. **The mere fact that one parent has actual custody of the minor children at the time of filing shall not create a preference for the court in its adjudication of custody and child support.**"; and

Further amend said bill, pages 43 to 48, section 452.340, by striking all of said section and inserting in lieu thereof the following:

"452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for his support, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:

- (1) The financial needs and resources of the child;
- (2) The financial resources and needs of the parents;
- (3) The standard of living the child would have enjoyed had the marriage not been dissolved;
- (4) The physical and emotional condition of the child, and his educational needs; **and**

(5) The child's physical and legal custody arrangements, including the amount of time the child spends with each parent and the reasonable expenses associated with the physical and legal or physical or legal custody arrangements;

(6) The federal and state tax deductions, exemptions and credits associated with the child.

2. [The obligation of the noncustodial parent to make support payments shall abate, in whole or in part, for such periods of time in excess of thirty consecutive days that the custodial parent has voluntarily relinquished physical custody of a child to the noncustodial parent, notwithstanding any periods of visitation or temporary custody pursuant to a decree of dissolution or legal separation or any modification thereof.] **The child support obligation of the parent ordered to pay child support shall abate, in whole or in part as ordered by the court or administrative body, and the court or administrative body may order the other parent to pay child support, during periods of visitation or temporary physical custody ordered by the court or voluntarily relinquished by the parent granted custody which totals thirty consecutive days or more.** In [an] a IV-D case, the division of child support enforcement [may] **shall** determine the amount of the abatement under this subsection for any child support order. In such cases, upon notification by the division, the circuit clerk shall record the amount of abatement on the child support trusteeship record established pursuant to this chapter and chapter 454, RSMo.

3. Unless the circumstances of the child manifestly dictate otherwise and the court specifically so provides, the obligation of a parent to make child support payments shall terminate when the child:

(1) Dies;

(2) Marries;

(3) Enters active duty in the military;

(4) Becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent; or

(5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply.

4. If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.

5. If when a child reaches age eighteen, he is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue, **if the child continues to attend and satisfactorily progresses toward completion of said program**, until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school **or completion of a graduation equivalence degree** and so long as the child [continues to attend] **enrolls for and completes at least ten hours of classes each term at an** [such] institution of vocational or higher education **and achieves grades sufficient to re-enroll at such institution**, the parental support obligation shall continue until the child completes his education, or until the child reaches the age of twenty-two, whichever first occurs. **To remain eligible for such continued parental support, the child shall submit to each parent a transcript provided by the institution of vocational or higher education which includes the courses the child is enrolled in and has completed for each term, the grades and credits received for each such course, and the courses which the child is enrolled in for the upcoming term and the number of credits for each such course.** If the circumstances of the child manifestly dictate, the court may waive the October first deadline for enrollment required by this subsection. If the child is enrolled in such an institution, the child or obligated parent may petition the court to amend the order to direct the obligated parent to make the payments directly to the child. As used in this section, an "institution of vocational education" means any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. "Higher education" means any junior college, college, or university at which the child attends classes regularly.

6. **At the parent's option, a parent may pay one-half of the college room, board, tuition, mandatory fees and book expenses of the child in lieu of child support during the months when a child attends school, if such child is enrolled as a full-time student and living away from the family residence for a majority of the school year, unless provisions for payment of college expenses are specified in the parenting plan or court order.**

7. **The general assembly finds and declares that it is the public policy of this state to assure children frequent, continuing and meaningful contact with both parents except for cases where the court specifically finds to the contrary. In order to effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in the same manner.** A court with jurisdiction may abate, in whole or in part, any future obligation of support [or] **and** may transfer the **physical and legal or physical or legal** custody of one or more children if it finds[:

(1)] that a [custodial] parent has, without good cause, failed to provide visitation or [temporary] **physical and legal or physical or legal** custody to the [noncustodial] **other** parent pursuant to the terms of a [decree] **judgment** of dissolution, legal separation or modifications thereof[; and

(2) That the noncustodial parent seeking relief is current in payment of all support obligations pursuant to the terms of a decree of dissolution, legal separation or modifications thereof]. The court may also award reasonable [attorney] **expenses, attorney's fees and court costs incurred by** [to] the prevailing party.

[7.] **8.** Not later than October 13, 1989, the Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall

contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. By July 1, 1996, the guidelines shall address how the amount of child support [should] **shall** be calculated when an award of joint physical custody results in the child or children spending substantially equal time with both parents. **Not later than July 1, 1998, the child support guidelines shall be adjusted by the supreme court and specifically list and explain the relevant factors and assumptions that were used to calculate the child support guidelines including but not limited to how much visitation or temporary physical custody the parent ordered to pay child support is assumed to have.** Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every [four] **three** years to ensure that its application results in the determination of appropriate child support award amounts.

[8.] **9.** Beginning October 13, 1989, there shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection [7] **8** of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record **in a judicial or administrative proceeding** that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, **is required if requested by a party and** shall be sufficient to rebut the presumption in the case. **The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.**

[9.] **10.** Under this or any other chapter, when a court determines the amount owed by a parent for support provided to his child by another person prior to the date of filing of a petition requesting support, or when the director of the division of child support enforcement establishes the amount of state debt due under subdivision (2) of subsection 1 of section 454.465, RSMo, the court or director shall use the guidelines established under subsection [7] **8** of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable presumption that the amount resulting from application of the guidelines under subsection [7] **8** of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state debt is being established. In applying the guidelines to determine a retroactive support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount."; and

Further amend said bill, page 60, section 452.350, line 9, by inserting immediately after said line the following:

"452.355. 1. **Unless otherwise indicated,** the court from time to time after considering all relevant factors including the financial resources of both parties, **the merits of the case and the actions of the parties,** may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under sections 452.300 to 452.415 and for attorney's fees, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or after entry of judgment, **or the court may order a reasonable amount for the cost of maintaining or defending any proceeding under sections 452.300 to 452.415 and for attorney's fees to be paid out of the marital or separate assets which are the subject of the proceedings.** The court may order that the amount be paid directly to the attorney, who may enforce the order in his name.

2. In any proceeding in which the nonpayment of child support is an issue under the provisions of a temporary or permanent court order or decree, if the court finds that the obligor has failed, without good cause, to comply with such order or decree to pay the child support, the court shall order the obligor to pay a reasonable amount for the cost of the suit to the obligee, including sums for legal services. The court may order that the amount be paid directly to the attorney, who may enforce the order in his name.

3. For purposes of this section, an "obligor" is a person owing a duty of support and an "obligee" is a person to whom a duty of support is owed.

4. For purposes of this section, "good cause" includes any substantial reason why the defendant is unable to pay the child support as ordered. Good cause does not exist if the defendant purposely maintains his inability to pay."; and

Further amend said bill, page 60, section 452.370, lines 10 to 28, by striking all of said lines; and

Further amend said bill, page 61, section 452.370, lines 1 to 26, and inserting in lieu thereof the following:

"452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, the provisions of any decree respecting maintenance or support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support or maintenance award, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she [cohabits] **resides**, and the earning capacity of a party who is not employed. If the application of the **child support** guidelines and criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] **rules** to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, then a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable, **if the existing amount was based upon the presumed amount under child support guidelines**.

2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, then the child support shall be determined in conformity with criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] **rules**.

3. Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future statutory maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

4. Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child. The custodial parent shall have the duty to notify the noncustodial parent of the child's emancipation and failing to do so the custodial parent shall be liable to the noncustodial parent for child support paid, **plus interest**, to the custodial parent following emancipation of a minor child.

5. In any case wherein a parent has made an assignment of support rights to the division of family services on behalf of the state as a condition of eligibility for benefits under the aid to families with dependent children program and either party initiates a motion to modify the support obligation by reducing it, the state of Missouri shall be named as a party to the motion. The state shall be served with a copy of the motion by sending it by certified mail to the director of the division of child support enforcement."; and

Further amend said bill and section, page 63, line 2, by inserting immediately after said line the following:

"452.375. 1. As used in this section, unless the context clearly indicates otherwise:

(1) "Joint legal custody" means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

(2) "Joint physical custody" means an order awarding each of the parents significant periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent [and], continuing **and meaningful** contact with both parents.

2. The court shall determine **physical and legal** custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

(1) The wishes of the child's parents as to his **physical and legal or physical or legal** custody;

(2) The wishes of a child as to his **physical and legal or physical or legal** custodian;

(3) The interaction and interrelationship of the child with his parents, his siblings, and any other person who may significantly affect the child's best interests;

(4) The child's adjustment to his home, school, and community;

(5) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence has occurred, and, if the court also finds that awarding **physical and legal or physical or legal** custody to the abusive parent is in the best [interest] **interests** of the child, then the court shall enter written findings of fact and conclusions of law. **Physical and legal or physical or legal** custody and visitation rights shall be ordered in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm;

(6) The needs of the child for a continuing relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(7) The intention of either parent to relocate [his] **that parent's** residence outside the state **or more than fifty miles from the current residence of the child**; and

(8) Which parent is more likely to allow the child frequent, **continuing** and meaningful contact with the other parent.

3. The court shall not award **physical and legal or physical or legal** custody of a child to a parent if such parent has been found guilty of, or pled guilty to, a felony violation of chapter 566, RSMo, when the child was the victim, or a violation of section 568.020, RSMo, when the child was the victim.

4. The general assembly finds and declares that it is the public policy of this state to assure children frequent, **continuing** and meaningful contact with both parents after the parents have separated or dissolved their marriage **except for cases where the court specifically finds to the contrary**, and that it is in the public interest to encourage parents to share decision-making rights and responsibilities of child rearing. In order to effectuate this policy, the court shall determine the **physical and legal or physical or legal** custody arrangement which will best assure that parents share such decision-making responsibility and authority and such frequent, **continuing** and meaningful contact between the child and each parent, as is indicated in the best interests of the child under all relevant circumstances.

5. Prior to awarding the appropriate **physical and legal** custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint **physical and joint legal** custody to both parents, **which shall be the preferred custodial arrangement** and which shall not be denied solely for the reason that one parent opposes a joint **physical and joint legal** custody award. **The burden of coming forward with evidence that joint physical and joint legal custody is not in the best interests of the child shall be upon the parent opposing an award of joint physical and joint legal custody. In the event the court finds that an award of joint physical and joint legal custody is not in the child's best interests, the court shall, if requested by a party, enter a written finding detailing the specific relevant factors that made an award of joint physical and joint legal custody not in the child's best interests and shall specify the custodial arrangements which the court finds are in the child's best interests;**

(2) Sole **physical and legal or physical or legal** custody to either parent; or

(3) Third party **physical and legal or physical or legal** custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a **physical and legal or physical or legal** custodian, or the welfare of the child requires, and it is in the best interests of the child, then **physical and legal or physical or legal** custody, temporary **physical and legal or physical or legal** custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards **physical and legal or physical or legal** custody, temporary **physical and legal or physical or legal** custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. Unless otherwise decreed, parents are obligated to exchange information with one another concerning the health, education and welfare of the child. In a decree of sole **legal** custody, a court may provide that parents shall confer with one another in the exercise of decision-making rights, responsibilities and authority. Upon a finding by the court that either parent has refused to exchange information with one another, which shall include but not be limited to the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay **to** the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to attorney's fees and court costs.

7. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child.

8. Any decree providing for joint **physical and joint legal** custody **or joint physical or joint legal custody** shall include a specific written plan setting forth the terms of such custody. Such plan may be suggested by both parents acting in concert, or one parent acting individually, or if neither of the foregoing occurs, the plan shall be provided by the court. The plan may include a provision for mediation of disputes. In all cases, the joint custody plan approved and ordered by the court shall be in the court's discretion **and shall be in the best interests of the child**.

9. Unless [a noncustodial] **the parent without physical custody** has been denied visitation rights under section 452.400, access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, shall not be denied to [a] **such** parent [because the parent is not the child's custodial parent]. If [a noncustodial] **the parent without physical custody** has been granted restricted or supervised visitation because the court has found that the [custodial] parent **with physical custody** or the child has been the victim of domestic violence, as defined in section 455.200, RSMo, by the [noncustodial] parent **without physical custody**, the court may order that the reports and records made available pursuant to this subsection not include the address of the [custodial] parent **with physical custody** or the child.

10. If any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either [the custodial or noncustodial] parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

11. An award of joint **physical and joint legal** custody **or joint physical or joint legal custody** does not preclude an award of child support pursuant to section 452.340 **and applicable supreme court rules**. The court shall consider the factors contained in section 452.340 **and applicable supreme court rules** in determining an amount reasonable or necessary for the support of the child.

12. If the court finds that domestic violence has occurred, the court shall make specific findings of fact to show that the **physical and legal or physical or legal** custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm.

13. **A non-custodial parent, grandparent or great grandparent who was convicted of an illegal sex act under chapter 566, RSMo, or section 568.020, RSMo, against a victim under the age of eighteen (18) shall not be allowed visitation until the offender is discharged from incarceration, parole or mandatory supervised release and the offender successfully completes a treatment program approved by the court.**

452.377. A person entitled to the custody of a child shall not [change] **relocate** the residence of the child to another state, or remove the child from this state for a period of time exceeding ninety days, **or relocate the residence of the child more than fifty miles from the current residence of the child** except upon order of the court or with the written

consent of the [parties] **persons with physical and legal or physical or legal custody or visitation rights.** Where [the noncustodial] **a person has been given physical and legal or physical or legal custody or visitation rights by the custody decree, such court permission may be granted only after notice to the person having [visitation] such rights and after opportunity for hearing. When addressing the issue of relocation, the court shall consider all relevant factors including but not limited to:**

(1) Is the relocation in the best interest of the child in relation to each parent;

(2) Will the relocation unreasonably interfere with any person's physical and legal or physical or legal custody or visitation rights; and

(3) Is there an agreement and plan to continue a relationship with the other parent.

Violation of **the provisions of this section** or a court order under this section [may] **shall** be deemed a change of circumstance under section 452.410, allowing the court to modify the prior custody decree.

452.400. 1. A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his emotional development. [The court shall define the noncustodial parent's visitation periods in detail at the request of either party.] **The court shall enter an order specifically detailing the visitation or temporary physical custody rights of the parent without physical custody.** In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child. The court shall not grant visitation to the parent not granted custody if such parent has been found guilty of or pled guilty to a felony violation of chapter 566, RSMo, when the child was the victim, or a violation of section 568.020, RSMo, when the child was the victim. The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm. The court, **if requested by a party,** shall make specific findings of fact to show that the visitation arrangements made by the court best protects the child or the parent or other family or household member who is the victim of domestic violence from any further harm.

2. The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his emotional development. When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by both [the custodial parent] **parents** and the child. [In the event of noncompliance,] **If a parent has been granted visitation rights or physical and legal or physical or legal custody rights or temporary physical custody rights, and such rights are denied or interfered with by the other parent, the [noncustodial] parent having visitation or physical and legal or physical or legal custody rights or temporary physical custody rights may file a motion for contempt[.] or a motion for a family access order. The motion for a family access order may be made on a simple verified pro se form which shall be supplied by the clerk of the court and which shall not require the assistance of legal counsel. The cost of filing such motion shall be the standard court cost for such a filing plus a thirty-five dollar family access fee. Upon filing the motion, the presiding judge shall immediately assign a circuit, associate circuit or family court judge or commissioner to hear the motion.**

4. The assigned court, upon good cause shown, shall immediately issue an order to show cause, unless there is a pending motion alleging that a family access order is not in the best interest of the child and will endanger the child's physical health or impair the child's emotional development, and shall set a time and place for hearing on the order to show cause which shall not be more than fourteen days after the service of the motion for a family access order and order to show cause.

5. Upon a finding by the court pursuant to a motion for a family access order that its order for visitation or physical and legal or physical or legal custody or temporary physical custody has not been complied with, without good cause, the court shall [define the noncustodial parent's visitation in detail and shall exercise its discretion in providing] provide a remedy, which shall include, but not be limited to, a compensatory period of visitation or [temporary] physical custody at a time convenient for the [noncustodial] parent denied visitation or temporary physical custody or physical custody not less than the period of time denied, [together with] and if requested by a party a mandatory judgment in an amount not less than the reasonable expenses, attorneys fees and court costs actually incurred by the [noncustodial] parent as a result of the denial of visitation or physical and legal or physical or legal custody or temporary physical custody. Such order may include a provision that the sheriff or other law enforcement officer shall enforce the rights of either parent to custody or visitation, as the case may be, unless the court issues a subsequent order pursuant to chapters 210, 211 or 455, RSMo, to limit or deny either parent's access to the child.

[4.] 6. The reasonable expenses, attorney's fees and court costs of a proceeding to enforce visitation or physical and legal or physical or legal custody rights shall, if requested by a party, be assessed against the parent who [unreasonably], without good cause, denies or interferes with visitation or physical and legal or physical or legal custody or temporary physical custody. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

7. In no case shall final disposition of a motion for a family access order filed pursuant to this section take place more than sixty days after the service of such motion. Final disposition shall not include appellate review.

8. The intentional denial or interference with visitation or physical and legal or physical or legal custody or temporary physical custody of a child from the other parent, without good cause, shall constitute a change of circumstances which may justify a modification of custody.

9. For purposes of supreme court rule 51, motions filed pursuant to this section shall not be deemed to be an independent civil action if the judge or commissioner designated to rule on the motion is the same judge or commissioner that entered the order which is the subject of a motion for a family access order or contempt.

10. A violation of the terms and conditions of a family access order shall be a class A misdemeanor, unless the person has twice previously plead guilty to or been found guilty of violating a family access order within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony.

452.401. 1. The family access fee of thirty-five dollars established in section 452.400 shall be charged and collected by every clerk of the court in this state. The court may waive such fee, in whole or in part, upon motion of the party and for good cause shown. Twenty-five dollars of such fee shall be forwarded monthly by each clerk of the court to the state director of revenue, and the fees so forwarded shall be deposited by the director of revenue in the state treasury into the Missouri family access fund as designated in subsection 2 of this section. Ten dollars of such fee shall remain with the court to cover court costs associated with the filing of the motion.

2. "The Missouri Family Access Fund" is hereby established in the state treasury. At least quarterly, the state treasurer shall allocate moneys in the Missouri family access fund to the state court administrator for disbursement as directed in this section. Moneys deposited into the fund shall include the designated funds received from the pro se fee established in section 452.400, and any other amounts which may be received from grants, gifts, bequests, the state or federal government, or any other source. Moneys in the fund shall be devoted to the payment of expenditures associated with the review of child support guidelines and to costs associated with the increase in new causes of actions involving custody and visitation issues.

3. Any unexpended balance in the fund at the end of the fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

452.405. 1. Except as otherwise ordered by the court or agreed by the parties in writing at the time of the custody decree, the legal custodian may determine the child's upbringing, including his education, health care, and religious

training, unless the court after hearing[,] finds, upon motion by the [noncustodial] parent **without legal custody**, that in the absence of a specific limitation of the **legal** custodian's authority the child's physical health would be endangered or his emotional development impaired.

2. The legal custodian shall not exercise legal custody in such a way as to detrimentally impact the other parent's visitation or physical and legal or physical or legal custody rights.

[2.] **3.** The court may order the county welfare office or the county juvenile officer to exercise continuing supervision over the case.

452.411. If either parent of a child changes his residence to another state, such change of residence of the parent shall be deemed a change of circumstances under section 452.410, allowing the court to modify a prior **physical and legal or physical or legal** custody decree.

452.416. 1. Notwithstanding any other provision of law to the contrary, whenever a parent in emergency military service has a change in income due to such military service, such change in income shall be considered a change in circumstances so substantial and continuing as to make the terms of any order or judgment for child support or visitation unreasonable.

2. Upon receipt of a notarized letter from the commanding officer of a noncustodial parent in emergency military service which contains the date of the commencement of emergency military service and the compensation of the parent in emergency military service, the director of the division of child support enforcement shall take appropriate action to seek modification of the order or judgment of child support in accordance with the guidelines and criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] **rules**. Such notification to the director shall constitute an application for services under section 454.425, RSMo.

3. Upon return from emergency military service the parent shall notify the director of the division of child support enforcement who shall take appropriate action to seek modification of the order or judgment of child support in accordance with the guidelines and criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] **rules**. Such notification to the director shall constitute an application for services under section 454.425, RSMo.

4. As used in this section, the term "emergency military service" means that the parent is a member of a reserve unit or national guard unit which is called into active military duty for a period of more than thirty days.

452.600. **1.** The circuit courts [of the fifth, sixth, twenty-third, twenty-ninth, thirtieth, thirty-first and thirty-eighth judicial circuits], by local rule, [may] **shall** establish a program of educational sessions for parties to actions for dissolution of marriage or in postjudgment proceedings involving custody or support, concerning the effects of dissolution of marriage on minor children of the marriage. In lieu of establishing such a program, the circuit court may, by local rule, designate a similar program of educational sessions offered by a private or public entity.

2. By July 1, 1998, the Missouri supreme court shall have in effect guidelines for the program of educational sessions. The reasonable expenses of the educational sessions shall be paid by the parties.

452.605. In an action for dissolution of marriage involving minor children, or in a postjudgment proceeding wherein custody [or support] of minor children is to be determined by the court, [the court may on its own motion] **the court shall, except for good cause**, order the parties, including the minor children, to attend educational sessions concerning the effects of **custody and the** dissolution of marriage on children[, if the court finds that doing so would be in the best interests of the minor children]. **As used in this section "good cause" includes, but is not limited to, situations where the parties have stipulated to the legal and physical custody of the child or where the safety of a party or child may be endangered by attending the educational sessions."**; and

Further amend said bill, page 104, section 454.496, line 25, by striking the following: "supreme court rule 88.01" and inserting in lieu thereof the following: "**section 452.340 and applicable court rules**"; and further amend line 28, by striking the following: "supreme court rule 88.01" and inserting in lieu thereof the following: "**section 452.340 and applicable supreme court rules**"; and

Further amend said bill and section, page 105, line 8, by striking "supreme court rule 88.01" and inserting in lieu thereof the following: "**section 452.340 and applicable supreme court rules**"; and

Further amend said bill and section, page 105, lines 11 & 12, by striking "supreme court rule 88.01" and inserting in lieu thereof the following: "**section 452.340 and applicable supreme court rules**"; and further amend lines 25 & 26, by striking "supreme court rule 88.01" and inserting in lieu thereof the following: "**section 452.340 and applicable supreme court rules**"; and

Further amend said bill and section, page 106, line 4, by striking "supreme court rule 88.01" and inserting in lieu thereof the following: "**section 452.340 and applicable supreme court rules**"; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins resumed the Chair.

Senator Clay offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 411, Page 206, Section 5, Line 6, by inserting after all of said line:

"Section 6. 1. As used in this section, the following terms mean:

(1) "AmeriCorps, VISTA", a domestic volunteer service of the United States government which includes Volunteers in Service to America;

(2) "Community inventory", a research project in a high poverty area to determine the economic strengths, weaknesses, services, stores, resources, institutions and facilities in the area;

(3) "Community organizer", any individual, agency or group skilled in contract, communication, leadership development and technical organizational skills with people of all classes living in high poverty areas who can catalyze voluntary activities among residents for purposes of developing local economic leadership and increased economic activity in that area;

(4) "Community revitalization", an action by a public or private agency to help organize residents of high poverty areas or neighborhoods to provide leadership to increase business activity, availability of jobs, home ownership, microenterprise, security, safety, services or other economic need in that area defined by the residents;

(5) "Community revitalization plan", a plan for microeconomic development of a high poverty area based upon a community inventory that includes, but is not limited to, increased home ownership, microenterprise development, savings clubs, credit unions, flea markets, recreation facilities or other economic activities to increase the viability, stability, jobs, security and liveability of a high poverty area;

(6) "Department", the Missouri department of economic development;

(7) "High poverty area", a neighborhood in a city, or a section of a town, or an unincorporated area of a county, where significant concentrations of low income people are living and where there is an unemployment rate of over ten percent or there is an unemployment rate of at least one hundred twenty percent of the national average unemployment rate. The boundaries of such area may change as a result of planning and leadership by local residents and institutions; and

(8) "Microeconomic development", resident based, originated and led economic activity centered in high poverty areas that includes, but is not limited to, the concepts of home ownership, microenterprise, savings clubs, crafts, locally grown and sold farm products, child care services, restaurants, shops and catering services.

2. The department shall initiate three pilot community revitalization projects in high poverty areas of the state, one urban or central city, one rural or small town, and one out-state small city.

3. The department shall provide a competitive grant program available to nonprofit agencies, institutions or resident organizations to permit them to hire and office community organizers, such as VISTA or Americorps volunteers, whose duty it is to help residents of the high poverty area define the boundaries of their community, inventory its strengths and weaknesses, and define a community revitalization plan, especially in the area of microeconomic development. These projects shall be funded for at least three years if the bidders are satisfactorily fulfilling the obligations of the contract and making progress toward completing and implementing a community inventory and community revitalization plan.

4. Upon receipt of a valid and practical community revitalization plan the department shall seek to coordinate private and public resources and contributions in the community, the state and the United States, to support the implementation of the provisions of the community revitalization plan. These resources include, but are not limited to, banks, training institutions, police, community development corporations and other entities that can help residents and resident corporations to fulfill their plan. The department may use Americorps or VISTA volunteers or both to accomplish this task.

5. The department shall establish oversight and evaluation of contract activities in order to develop capacity and knowledge about how to successfully accomplish community revitalization.

6. The department shall initiate these pilot projects by July 1, 1998."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Mathewson resumed the Chair.

Senator Staples offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 411, Page 130, Section 454.516, Line 21 of said page, by inserting before all of said line the following:

"454.516. 1. The director **or IV-D agency** may cause a lien pursuant to subsection 2 of this section or the obligee may cause a lien pursuant to subsection 9 of this section for unpaid and delinquent child support to be placed upon motor vehicles, motor boats, outboard motors, manufactured homes and trailers that are registered in the name of a delinquent child support obligor, if the title to the property is held by a lienholder.

2. The director **or IV-D agency** shall notify the department of revenue with the required information necessary to impose a lien [under] **pursuant to** this section by filing a notice of lien, and the department of revenue shall notify the lienholder of the existence of such lien.

3. The department of revenue shall not register the lien unless:

(1) The director of revenue or [his] **the director's** designee determines that the obligor has unpaid child support which exceeds one thousand dollars;

(2) The property has a value of more than three thousand dollars as determined by current industry publications that

provide such estimates to dealers in the business, and the property's year of manufacture is within seven years of the date of filing of the lien except in the case of a motor vehicle that has been designated a historic vehicle;

(3) The property has no more than two existing liens for child support;

(4) The property has had no more than three prior liens for child support in the same calendar year.

4. In the event that a lien is placed and the obligors total support obligation is eliminated, the director shall notify the department of revenue that the lien shall be removed.

5. Upon notification by the director that a lien exists pursuant to this section, the department of revenue shall send a sticker of impaired title in an envelope which says prominently "important legal document" to the lienholder. Such sticker shall contain the type and model of the property, the serial number of the property and the identification number of the obligor **and shall be properly affixed to the certificate of title by the lienholder.**

6. Upon notification by the director that the lien shall be removed pursuant to subsection 4 of this section, the department of revenue shall send a void sticker to the lienholder **and such void sticker shall be properly affixed to the certificate of title by the lienholder covering the impaired title sticker.** Such sticker shall contain the type and model of the property, the serial number of the property and the identification number of the obligor.

7. When a lienholder has received notice of a lien created by the division [under] **or IV-D agency pursuant to this section** and the obligor thereafter satisfies the debt to that lienholder, the lienholder shall mail to the division **or IV-D agency** the certificate of ownership on the motor vehicle, motor boat, outboard motor, manufactured home or trailer. The division **or IV-D agency** may hold the certificate of ownership until the child support obligation is satisfied, or levy and execute on the motor vehicle, motor boat, outboard motor, manufactured home or trailer and sell same, at public sale, in order to satisfy the debt. **A lienholder shall inform dealers in the business of motor vehicles, motor boats, manufactured homes and trailers, upon request, of the existence or nonexistence of a lien imposed by the division pursuant to this section.**

8. A good faith purchaser for value without notice of the lien or a lender without notice of the lien takes free of the lien.

9. In cases which are not IV-D cases, [as defined in section 452.345, RSMo,] to cause a lien pursuant to the provisions of this section the obligee or [his] **the obligee's** attorney shall file notice of the lien with the lienholder or payor. This notice shall have attached a certified copy of the court order with all modifications and a sworn statement by the obligee or a certified statement from the court attesting to or certifying the amount of arrearages."

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 411, Page 28, Section 288.250, Line 8, by inserting immediately before the words "In addition" the following words: **"Further, upon receipt of a written request from a claimant or his or her authorized representative, the division shall supply information previously submitted to the division by the claimant, the claimant's wage history and the claimant's benefit payment history";** and

Further amend said bill, Page 28, Section 288.250, Line 10, by inserting immediately after the word "information" the words **"previously submitted to the division by the employing unit, and information".**

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 411, Page 193, Section 454.1018, Line 28, by striking all of said line; and

Further amend page 194, same section, line 1-3, by striking all of said lines and inserting in lieu thereof the following:

"to 454.1025. Any rule or portion of a rule promulgated pursuant to this act shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void."; and

Further amend said bill, page 197, section 536.028, by striking all of said section; and

Further amend said bill, page 206, section 5, line 6, by inserting immediately after all of said line the following:

"Section 6. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.

4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to the effective date of this act."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Committee Substitute for House Bill No. 411, Page 206, Section 5, Line 6 of said page, by inserting immediately after said line the following:

"Section 6. In any court proceeding regarding the physical and legal custody of a child, the court shall not make a custody determination based upon the choice of education chosen for such child by the child's custodial parent or parents or legal guardian. The court shall not order the custodial parent or guardian to enroll the child in any school other than the school chosen by such custodial parent or legal guardian in compliance with state

law."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SS** for **HCS** for **HB 411**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **HCS** for **HB 411**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Goode	Graves
House	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28

Nays--Senators

Clay	Howard	Rohrbach--3
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Absent--Senators

Banks	Flotron	Schneider--3
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--Rohrbach--1

Absent--Senators

Banks

Curls

Flotron--3

Absent with leave--Senators--None

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 51, introduced by Representative Shear, entitled:

An Act to repeal section 186.055, RSMo Supp. 1996, relating to the humanities trust fund, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Staples.

Senator Staples offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 51, Page 1, In the Title, Line 2 of said page, by striking the following: "humanities trust fund" and inserting in lieu thereof the following: "certain trust funds"; and

Further amend said bill, page 2, section 186.055, line 16, by inserting immediately after all of said line the following:

"Section 1. 1. Any person serving as a member of a board or commission may indicate that such member wishes to contribute all or any part of the per diem or expense reimbursement received for such service on the board or commission to a fund to be administered by the division of youth services for the counseling, treatment and therapy of children who have been sexually, physically or emotionally abused. The office of administration shall design vouchers for the payment of the per diem or expense reimbursement to allow the person to designate if all or part of the money the person is entitled to receive is to be deposited in the "Youth Services Treatment Fund", which is hereby created in the state treasury. All per diem and expense reimbursement amounts which are contributed shall be deposited with the state treasurer in the fund. The division of youth services advisory board created in chapter 219, RSMo, shall make recommendations to the governor and the department of social services for the expenditure of the money in the fund.

2. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund at the end of any biennium shall not be transferred to the general revenue fund.

3. The fund may accept any other gift, bequest or donation from any entity."; and

Further amend said bill, page 2, section B, line 2, by inserting after "council," the following: "section 186.055 of"; and further on line 4, by inserting after "constitution, and" the following: "section 186.055 of"; and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted.

Senator Howard raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

On motion of Senator Staples, **HB 51** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Mathewson	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--25

Nays--Senators--Rohrbach--1

Absent--Senators

Childers	Clay	Curls	DePasco
Flotron	Klarich	Lybyer	Maxwell--8

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Ehlmann	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Mathewson	McKenna	Mueller
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--25

Nays--Senators--Rohrbach--1

Absent--Senators

Clay	Curls	DePasco	Flotron
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Klarich

Lybyer

Maxwell

Quick--8

Absent with leave--Senators--None

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Wiggins resumed the Chair.

CONCURRENT RESOLUTIONS

Senator Scott moved that **HCR 21**, with **SCAs 1** and **2**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion failed.

SCA 2 was taken up.

Senator Scott moved that the above amendment be adopted, which motion failed.

Senator Scott offered **SS** for **HCR 21**:

SENATE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 21

WHEREAS, the lack of adequate office space for legislators and staff along with the lack of adequate facilities to conduct hearings, meetings and other legislative functions at our State Capitol has been an issue of major and growing concern for many years; and

WHEREAS, in 1995, Sverdrup Facilities Corporation and its consultants published a comprehensive State Office Space Study and Master Plan after having been requested by the State of Missouri Office of Administration to develop a strategic plan for accommodating space needs for non-institutional offices statewide through Fiscal Year 2004; and

WHEREAS, one of the primary goals of this strategic plan was to address those issues which inhibit the efficient delivery of government services to the citizens of the state; and

WHEREAS, in this State Office Space Study and Master Plan, a specific reference to the State Capitol declared "The State Capitol Building, with the exception of the Senate and House chambers, is suffering from many ill-conceived renovations and overcrowding", and "Many spaces are poorly ventilated, lighted and appointed creating an uncomfortable and unsophisticated office environment"; and

WHEREAS, one short-term measure that has been implemented to address the problem of inadequate facilities at the Capitol is the appropriation of significant sums of money for the renovation of existing offices that are much too small and crowded to begin with, and which can gain relatively little in the way of becoming more livable and functional after the expenditure of this money; and

WHEREAS, legislators and their staff deserve to work in a safe, comfortable, and adequately-spaced office environment in order to provide the most efficient and effective service possible for the people of Missouri; and legislators, staff, and private citizens are entitled to conduct state business in a safe and comfortable environment when meeting in the various hearing rooms and committee rooms within our State Capitol; and

WHEREAS, expedient measures need to be implemented to provide effective short-term solutions for the problem of overcrowding at the State Capitol; and

WHEREAS, Section 8.460, Revised Statutes of Missouri, subsection 1, states "The board of public buildings may build an office building in the

City of Jefferson to house state offices which are presently located in rented quarters within the county of Cole, and they shall remove as many offices from the State Capitol building as the general assembly deems necessary to provide adequate space for its members"; and

WHEREAS, Section 8.015, Revised Statutes of Missouri, gives the Senate Administration Committee exclusive control over the Senate Chamber, the Senate Committee rooms, the offices of the members of the Senate at the State Capitol, and all other rooms and offices of the State Capitol designed for or assigned by the Board of Public Buildings to the use of the members and officers of the Senate, and states that "No use of any of said quarters other than by the Senate, its members or officers shall be made except with the written consent of the Senator or officer occupying the office rooms and upon the order of the accounts committee"; and

WHEREAS, Section 8.017, Revised Statutes of Missouri, gives the House Committee on Accounts, Operation and Finance exclusive control over the House Chamber, the House Committee rooms, the offices of the members of the House at the State Capitol, and all other rooms and offices of the State Capitol designed for or assigned by the Board of Public Buildings to the use of the members and officers of the House, and states that "No use of any of said quarters other than by the House, its members or officers shall be made except with the written consent of the Representative or officer occupying the office rooms and upon the order of the accounts committee":

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that pursuant to the provisions of section 8.460, RSMo, the Board of Public Buildings be advised to reassign offices in the Capitol, presently occupied or under the control of the executive branch except for those offices now assigned to the Governor and his immediate staff and the Lieutenant Governor and his immediate staff, to the House Accounts, Operation and Finance Committee and Senate Administration Committee, and further assert the right to reserve any and all of these rooms and facilities for the exclusive use of legislators and legislative staff; and

BE IT FURTHER RESOLVED that an examination of space available within the Capitol be given first priority by the House Accounts, Operations and Finance Committee, the Senate Administration Committee and the Office of Administration; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Commissioner of Administration, each member of the Board of Public Buildings, the House Committee on Accounts, Operation and Finance, and for the Senate Administration Committee.

Senator Scott moved that **SS** for **HCR 21** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins

Yeckel--29

Nays--Senators--None

Absent--Senators

Clay	Jacob	Lybyer	Maxwell
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Staples--5

Absent with leave--Senators--None

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCS for HCS for HB 141** and has again taken up and passed **SCS for HCS for HB 141**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS for HCS for HBs 641 and 593**, as amended, and requests the Senate to Recede from its position and failing to do so, grant the House a conference thereon.

Also.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SS for SB 248**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS for HCS for SCS for SB 140**, entitled:

An Act to repeal sections 303.024, 303.025, 303.026, 303.030, 303.042, 303.043, 303.140, 303.290, 303.370 and 379.203, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 6, 7 and 8.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Page 9, Section 303.026, Line 5, by adding after "RSMo," the following, "or unless the owner insures the vehicle according to the requirements of the division of motor carrier and railroad safety pursuant to section 390.126, RSMo.".

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Pages 21 to 24, Section 379.203, by striking all of said lines, and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Page 24, Section 379.203, Line 17, by inserting immediately after said line, the following:

"Section 1. An automobile insurer shall not disqualify or otherwise discriminate against an insured or an applicant for insurance based on information contained in a credit report."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Page 1, Section A, Line 14, by inserting after said line the following:

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal traffic ordinance not listed in this section, other than a violation of vehicle equipment provisions2 points

(except any violation of municipal stop

sign ordinance where no accident is

involved1 point)

(2) Speeding

In violation of a state law.3 points

In violation of a county or municipal

ordinance.2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo12 points

In violation of any county or municipal

ordinance.6 points

(4) Careless and imprudent driving in

violation of subsection 4 of section 304.016,

RSMo4 points

In violation of a county or municipal

ordinance.2 points

(5) Operating without a license after suspension or revocation and prior to restoration of operating privileges which have been suspended or revoked12 points

(6) Obtaining a license by

misrepresentation.12 points

(7) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs.8 points

(8) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of ten-hundredths of one percent or more by

weight.12 points

(9) For the first conviction for driving with blood alcohol content ten-hundredths of one percent or more by weight

In violation of state law8 points

In violation of a county or municipal ordinance8 points

(10) Any felony involving the use of a motor vehicle 12 points

(11) Knowingly permitting unlicensed operator to operate a motor vehicle4 points

(12) Knowingly operating a vehicle without possession of proof of liability insurance.4 points

2. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

3. When any of the acts listed in subdivision (2), (3), (4) or (7) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (7), (8) and (9) of subsection 1 of this section, no person shall be tried or convicted for more than one offense under subdivisions (7), (8) and (9) of subsection 1 of this section for offenses arising out of the same occurrence.

4. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation under subdivision (1), (2), or (4) of subsection 1 of this section or under subsection 2 of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety under sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and must be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction under the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, In the Title, Line 6, by deleting the word "ten" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, Section A, Line 12, by deleting the word "ten" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, Section A, Line 14, by deleting the word and number "and 379.203" and inserting in lieu thereof the following: ", 379.203 and 1"; and

Further amend said bill, Page 24, Section 379.203, Line 17, by adding after all of said line the following:

"Section 1. 1. The provisions of this section shall only apply to any county of the first classification with a

charter form of government with a population of at least two hundred thousand inhabitants that adjoins a county of the first classification with a charter form of government with a population of at least nine hundred thousand inhabitants.

2. For financial responsibility when dealing with motor vehicles of others, whenever a towing company bids on a contract with a political subdivision for towing services, the towing company or its subsidiary or affiliate shall present proof to the political subdivision that:

(1) The company has a surety bond of not less than one hundred thousand dollars per occurrence;

(2) The towing company owns at least ninety percent of the towing vehicles which are to be used in connection with the towing contract.

3. The provisions of this section shall not apply to towing companies, with their subsidiaries and affiliates combined, that have less than five towing vehicles."

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Page 6, Section 303.025, Line 11, by deleting "thirty" on said line and inserting in lieu thereof "ten".

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Page 8, Section 303.026, Line 19, by removing the words "must demonstrate to" and replace with "demonstrates to".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SSA 1** for **SA 1** to **HJR 11** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 316** and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 316**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 32**, as amended, and requests the Senate to Recede from its position and failing to do so, grant the House a conference thereon.

CONFERENCE COMMITTEE REPORTS

Senator Schneider, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SS** for **SB 97**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 97

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for Senate Substitute for Senate Bill No. 97, with House Amendments Nos. 1, 2, 3 and 4; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendment No. 2;
2. That the Senate recede from its position on House Substitute for Senate Substitute for Senate Bill No. 97, with House Amendments Nos. 1, 3 and 4;
3. That the attached Conference Committee Amendment No. 1 be adopted;
4. That House Substitute for Senate Substitute for Senate Bill No. 97, with House Amendments Nos. 1, 3 and 4 and Conference Committee Amendment No. 1, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John Schneider /s/ Timothy Green

/s/ Harry Wiggins /s/ Kelly Parker

/s/ Wayne Goode /s/ Don Kissell

/s/ Steve Ehlmann /s/ Laurie Donovan

/s/ David Klarich /s/ Jim Murphy

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute for Senate Bill No. 97, Page 1, Section A, Line 12, by inserting immediately after said line the following:

"610.105. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except that the disposition portion of the record may be accessed for purposes of exculpation and except as provided in section 610.120. **If the accused is found not guilty due to mental disease or defect pursuant to section 552.030, RSMo, official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in section 198.006, RSMo, in-home services provider agencies as defined in section 660.250, RSMo, in the manner established by section 610.120.**"; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Flotron	Goode	Graves

House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			

Nays--Senators--None

Absent--Senators

Childers	Clay	Ehlmann	Lybyer
Maxwell--5			

Absent with leave--Senators--None

On motion of Senator Schneider, **HS** for **SS** for **SB 97**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Wiggins	Yeckel--26		

Nays--Senators--None

Absent--Senators

Bentley	Childers	Clay	Curls
Ehlmann	Lybyer	Maxwell	Westfall--8

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator House moved that **HCS** for **HBs 87** and **264**, with **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 4 was again taken up.

Senator Westfall offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend House Committee Substitute for House Bills Nos. 87 and 264, Page 2, Section 64.205, Line 2, by inserting after said line the following:

"Section 1. The provisions of 67.400 shall apply to any city, town, village or counties of the first and second classification and only those counties of the third classification that have adopted building codes. The provisions of Sections 67.400 and any code adopted under 64.175 shall not apply to agricultural property and structures on such property in any county of the third classification."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above substitute amendment be adopted.

Senator Graves offered **SA 1** to **SSA 1** for **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 4 to House Committee Substitute for House Bills Nos. 87 and 264, Page 1, Line 8, by adding after the word "agricultural" the words "**and commercial**".

Senator Graves moved that the above amendment be adopted.

Senator Johnson resumed the Chair.

Senator Scott assumed the Chair.

At the request of Senator House, **HCS** for **HBs 87** and **264**, with **SA 4**, **SSA 1** for **SA 4** and **SA 1** to **SSA 1** for **SA 4** (pending) was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Bentley moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HBs 641** and **593**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HBs 641** and **593**, as amended: Senators McKenna, House, Caskey, Mueller and Bentley.

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 248**, as amended: Senators Schneider, Wiggins, Maxwell, Ehlmann and Klarich.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SB 248**, as amended: Representatives: May (108), O'Toole, DeMarce, Ridgeway and Naeger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 509**, as amended, and has again taken up and passed **SS** for **HCS** for **HB 509**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 361**, entitled:

An Act to repeal sections 193.085, 193.087, 193.145, 193.215, 210.822, 210.832, 210.834, 210.839, 210.841, 210.842, 285.300, 285.302, 285.304, 288.250, 301.020, 301.190, 379.116, 451.040, 452.305, 452.315, 452.345, 452.350, 452.370, 454.410, 454.415, 454.425, 454.440, 454.500, 454.455, 454.460, 454.465, 454.470, 454.475, 454.476, 454.485, 454.490, 454.495, 454.496, 454.505, 454.512, 454.513, 454.514, 454.515, 454.516, 454.517, 454.518, 454.519, 454.603, 454.808, 486.225 and 620.145, RSMo 1994, and sections 210.842, 452.340, 452.345, 454.400, 454.850, 454.855, 454.860, 454.862, 454.867, 454.869, 454.871, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.927, 454.930, 454.932, 454.935, 454.937, 454.940, 454.942, 454.945, 454.947, 454.950, 454.952, 454.955, 454.957, 454.960, 454.962, 454.965, 454.967, 454.970, 454.972, 454.975, 454.977, 454.979, and 454.980, RSMo Supp. 1996, and to enact in lieu thereof one hundred thirty-seven new sections for the purpose of complying with federal mandates for child support enforcement, with penalty provisions, an effective date for certain sections and an emergency clause.

With House Amendments Nos. 1, 2, 3; House Amendment No. 1 to House Amendment No. 5; House Amendment No. 2 to House Amendment No. 5; House Amendment No. 3 to House Amendment No. 5; House Amendment No. 4 to House Amendment No. 5; House Amendment No. 5 to House Amendment No. 5; House Amendment No. 6 to House Amendment No. 5; Part 1 of House Amendment No. 7 to House Amendment No. 5; House Amendment No. 8 to House Amendment No. 5; House Amendment No. 5, as amended; and House Amendment No. 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 100, Section 454.1003.1(1), Line 5, by inserting immediately after the word "obligor" the words "**is not making child support payments in accordance with a court order and**"; and

Further amend said bill, Page 101, Section 454.1005.2, line 5 by inserting immediately after the word "respond" the commas and words ", **without good cause**,".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 21, Section 379.116, Lines

1-10, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 16, Section 288.250, Line 10, by inserting immediately before the words "In addition" the following words: **"Further, upon receipt of a written request from a claimant or his or her authorized representative, the division shall supply information previously submitted to the division by the claimant, the claimant's wage history and the claimant's benefit payment history."**; and

Further amend said bill, Page 16, Section 288.250, Line 11 by inserting immediately after the word "information" the words **"previously submitted to the division by the employing unit, and information"**.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 23, Section 452.340, Lines 1 to 94, by deleting all of said section and inserting in lieu thereof the following:

"452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for his support, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:

(1) The financial needs and resources of the child;

(2) The financial resources and needs of the parents;

(3) The standard of living the child would have enjoyed had the marriage not been dissolved;

(4) The physical and emotional condition of the child, and his educational needs; **and**

(5) The child's physical and legal custody arrangements, including the amount of time the child spends with each parent and the reasonable expenses associated with the physical and legal or physical or legal custody arrangements.

2. The obligation of the [noncustodial] parent **ordered** to make support payments shall abate, in whole or in part[,]:

(1) For such periods of time in excess of thirty consecutive days that the [custodial] **other** parent has voluntarily relinquished physical custody of a child to the [noncustodial] parent **ordered to pay child support**, notwithstanding any periods of visitation or temporary **physical and legal or physical or legal** custody pursuant to a [decree] **judgment** of dissolution or legal separation or any modification thereof[.];

(2) For such periods of time twenty-eight consecutive days or longer, pursuant to a decree of dissolution or legal separation or any modification thereof, during which the parent ordered to pay child support is the primary caretaker of any child subject to such decree, notwithstanding any periods of visitation by the other parent during such periods, unless the court has already considered or provided for the visitation in establishing or determining the child support obligations.

In [an] **a** IV-D case, the division of child support enforcement may determine the amount of the abatement under this subsection for any child support order. In such cases, upon notification by the division, the circuit clerk shall record the amount of abatement on the child support trusteeship record established pursuant to this chapter and chapter 454, RSMo.

3. Unless the circumstances of the child manifestly dictate otherwise and the court specifically so provides, the

obligation of a parent to make child support payments shall terminate when the child:

(1) Dies;

(2) Marries;

(3) Enters active duty in the military;

(4) Becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent; or

(5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply.

4. If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.

5. If when a child reaches age eighteen, he is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue, **if the child continues to attend and satisfactorily progresses toward completion of said program**, until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school **or completion of a graduation equivalence degree** and so long as the child [continues to attend] **enrolls for and completes at least twelve hours of classes each term at an [such] institution of vocational or higher education and achieves grades sufficient to re-enroll at such institution**, the parental support obligation shall continue until the child completes his education, or until the child reaches the age of twenty-two, whichever first occurs. **To remain eligible for such continued parental support, the child shall submit to each parent a transcript provided by the institution of vocational or higher education which includes the courses the child is enrolled in and has completed for each term, the grades and credits received for each such course, and the courses which the child is enrolled in for the upcoming term and the number of credits for each such course.** If the circumstances of the child manifestly dictate, the court may waive the October first deadline for enrollment required by this subsection. If the child is enrolled in such an institution, the child or obligated parent may petition the court to amend the order to direct the obligated parent to make the payments directly to the child. As used in this section, an "institution of vocational education" means any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. "Higher education" means any junior college, college, or university at which the child attends classes regularly.

6. **At the parent's option, a parent may pay one-half of the college room, board, tuition, mandatory fees and book expenses of the child in lieu of child support during the months when a child attends school, if such child is enrolled as a full-time student and living away from the family residence for a majority of the school year, unless provisions for payment of college expenses are specified in the parenting plan or court order.**

7. **The general assembly finds and declares that it is the public policy of this state to assure children frequent, continuing and meaningful contact with both parents except for cases where the court specifically finds to the contrary. In order to effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in the same manner.** A court **with jurisdiction** may abate, in whole or in part, any future obligation of support [or] **and** may transfer the **physical and legal or physical or legal** custody of one or more children if it finds[:

(1)] That a [custodial] parent has, without good cause, failed to provide visitation or [temporary] **physical and legal or physical or legal** custody to the [noncustodial] **other** parent pursuant to the terms of a [decree] **judgment** of dissolution, legal separation or modifications thereof[; and

(2) That the noncustodial parent is current in payment of all support obligations pursuant to the terms of a decree of dissolution, legal separation or modifications thereof]. The court may also award reasonable [attorney] **expenses, attorney's fees [to] and court costs incurred** by the prevailing party.

[7.] **8.** Not later than October 13, 1989, the Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. By July 1, 1996, the guidelines shall address how the amount of child support [should] **shall** be calculated when an award of joint physical custody results in the child or children spending substantially equal time with both parents. **Not later than July 1, 1998, the child support guidelines shall be adjusted by the supreme court and specifically list and explain the relevant factors and assumptions that were used to calculate the child support guidelines including but not limited to how much visitation or temporary physical custody the parent ordered to pay child support is assumed to have.** Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every [four] **three** years to ensure that its application results in the determination of appropriate child support award amounts.

[8.] **9.** Beginning October 13, 1989, there shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection [7] **8** of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record **in a judicial or administrative proceeding** that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, **is required if requested by a party and** shall be sufficient to rebut the presumption in the case. **The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.**

[9.] **10.** Under this or any other chapter, when a court determines the amount owed by a parent for support provided to his child by another person prior to the date of filing of a petition requesting support, or when the director of the division of child support enforcement establishes the amount of state debt due under subdivision (2) of subsection 1 of section 454.465, RSMo, the court or director shall use the guidelines established under subsection [7] **8** of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable presumption that the amount resulting from application of the guidelines under subsection [7] **8** of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state debt is being established. In applying the guidelines to determine a retroactive support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount."; and

Further amend said bill, Page 33, Section 452.370, Lines 1 to 50, by deleting all of said section and inserting in lieu thereof the following:

"452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, the provisions of any decree respecting maintenance or support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support or maintenance award, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she [cohabits] **resides**, and the earning capacity of a party who is not employed. If the application of the **child support** guidelines and criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] **rules** to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, then a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable, **if the existing amount was based upon the presumed amount under child support guidelines.**

2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, then the child support shall be determined in conformity with criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] **rules.**

3. Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future statutory maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

4. Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child. The custodial parent shall have the duty to notify the noncustodial parent of the child's emancipation and failing to do so the custodial parent shall be liable to the noncustodial parent for child support paid, **plus interest**, to the custodial parent following emancipation of a minor child.

5. [In any case wherein] **If** a parent has made an assignment of support rights to the division of family services on behalf of the state as a condition of eligibility for benefits [under] **pursuant to** the aid to families with dependent children program and either party initiates a motion to modify the support obligation by reducing it, the state of Missouri shall be named as a party to the motion. The state shall be served with a copy of the motion by sending it by certified mail to the director of the division of child support enforcement.

6. The circuit court shall have continuing personal jurisdiction over both the obligee and the obligor of a court order for child support or maintenance for the purpose of modifying such order. Both obligee and obligor shall notify, in writing, the circuit clerk of the court in which the support or maintenance order was entered of any change of mailing address. If a personal service of the motion cannot be had in this state, the motion to modify and notice of hearing shall be served outside the state as provided by supreme court rule 54.14. The order may be modified only as to support or maintenance installments which accrued subsequent to the date of personal service. For the purpose of 42 U.S.C. 666(a)(9)(C), the circuit clerk shall be considered the "appropriate agent" to receive notice of the motion to modify for the obligee or the obligor, but only in those instances in which personal service could not be had in this state.

7. If a responsive pleading raising the issues of custody or visitation is filed in response to a motion to modify child support filed at the request of the division of child support enforcement by a prosecuting attorney or circuit attorney or an attorney under contract with the division, such responsive pleading shall be severed upon request.

8. Notwithstanding any provision of this section which requires a showing of substantial and continuing change in circumstances, in a IV-D case filed pursuant to this section by the division of child support enforcement as provided in section 454.400, RSMo, the court shall modify a support order in accordance with the guidelines and criteria set forth in supreme court rule 88.01 and any regulations thereunder if the amount in the current order differs from the amount which would be awarded in accordance with such guidelines or regulations."; and

Further amend said bill, Page 55, Section 454.496, Lines 1 to 66, by deleting all of said section and inserting in lieu thereof the following:

"454.496. 1. At any time after the entry of a court order for child support in a case in which support rights have been assigned to the state [of Missouri] pursuant to section 208.040, RSMo, or a case in which support enforcement services are being provided [under] **pursuant to** section 454.425, the obligated parent, the obligee or the division of child support enforcement may file a motion to modify the existing child support order [under] **pursuant to** this section, [provided that] **if** a review has first been completed by the director of child support enforcement pursuant to subdivision (13) of subsection 2 of section 454.400. The motion shall be in writing in a form prescribed by the director, shall set out the reasons for modification and shall state the telephone number and address of the moving party. The motion shall be served in the same manner provided for in subsection 5 of section 454.465 upon the obligated parent, the obligee and the division, as appropriate. In addition, if the support rights are held by the division of family services on behalf of the state, the moving party shall mail a true copy of the motion by certified mail to the person having custody of the dependent child at the last known address of that person. The party against whom the motion is made shall have thirty days either to resolve the matter by stipulated agreement or to serve the moving party and the director, as appropriate, by regular mail with a written response setting forth any objections to the motion and a request for hearing. When requested, the hearing shall be conducted pursuant to section 454.475 by hearing officers designated by the department of social services. In such proceedings, the hearing officers shall have the authority granted to the director pursuant to subsection 6 of section 454.465.

2. When no objections and request for hearing have been served within thirty days, the director, upon proof of service, shall enter an order granting the relief sought. **Copies of the order shall be mailed to the parties within fourteen days of issuance.**

3. A motion to modify made pursuant to this section shall not stay the director from enforcing and collecting upon the existing order unless so ordered by the court in which the order is docketed.

4. The only support payments which may be modified are payments accruing subsequent to the service of the motion upon all parties to the motion.

5. The party requesting modification shall have the burden of proving that a modification is appropriate [under] **pursuant to the provisions of section 452.370, RSMo.**

6. Notwithstanding the provisions of section 454.490 **to the contrary**, an administrative order modifying a court order is not effective until the administrative order is filed with and approved by the court that entered the court order. The court may approve the administrative order if no party affected by the decision has filed a petition for judicial review pursuant to sections 536.100 to 536.140, RSMo. **After the thirty-day time period for filing a petition of judicial review pursuant to chapter 536, RSMo, has passed, the court shall render its decision within fifteen days. If a petition for judicial review is filed, the court shall review all pleadings and the administrative record, as defined in section 536.130, RSMo, pursuant to section 536.140, RSMo. After such review, the court shall determine if the administrative order complies with [the provisions of] section 452.340 and applicable supreme court [rule 88.01] rules. If it so determines, the court shall make a written finding on the record that the order complies with [the provisions of] section 452.340 and applicable supreme court [rule 88.01] rules and approve the order[. If upon review the court finds that the administrative order should not be approved, the court shall set the matter for trial de novo. If no action is taken by the court within forty-five days of the filing of the administrative order with the court, and no petition for judicial review has been filed pursuant to sections 536.100 to 536.140, RSMo, the court shall be deemed to have made a written finding that the administrative order complies with the provisions of supreme court rule 88.01 and to have approved the administrative order.] or, if after review pursuant to section 536.140, RSMo, the court finds that the administrative order does not comply with supreme court rule 88.01, the court may select any of the remedies set forth in subsection 5 of section 536.140, RSMo. The court shall notify the parties and the division of any setting pursuant to this section.**

7. Notwithstanding the venue provisions of chapter 536, RSMo, **to the contrary**, for the filing of petitions for judicial review of final agency decisions and contested cases, the venue for the filing of a petition for judicial review contesting an administrative order entered [under] **pursuant to** this section modifying a judicial order shall be in the court which entered the judicial order. In such cases in which a petition for judicial review has been filed, the court shall consider the matters raised in the petition and determine if the administrative order complies with **section 452.340 and applicable** supreme court [rule 88.01] **rules**. If the court finds that the administrative order should not be approved, the court shall set the matter for trial de novo. **The court shall notify the parties and the division of the setting of such proceeding.** If the court determines that the matters raised in the petition are without merit and that the administrative order complies with the provisions of **section 452.340 and applicable** supreme court [rule 88.01] **rules**, the court shall approve the order.

8. **Any administrative order or decision of the division of child support enforcement filed in the office of the circuit clerk of the court shall not be required to be signed by an attorney, as provided by supreme court rule of civil procedure 55.03(a), or required to have any further pleading other than the administrative order."**

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 5, Section 352.340, Line 19, by inserting immediately after the word "**order**" the following:

"; except that, if such payment of college expenses is less than the court ordered child support, the parent shall

pay the difference between such college expenses and the court ordered payment as provided in the court order.".

HOUSE AMENDMENT NO. 2 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 4, Line 13, by deleting the word "classes" and inserting in lieu thereof the word "credit".

HOUSE AMENDMENT NO. 3 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 3, Section 352.340, Line 1, by adding immediately after the word "**considered**" the words "**specific findings**"; and

Further amend said amendment, page 4, line 6 by striking the words "**and satisfactorily**".

HOUSE AMENDMENT NO. 4 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 9, Section 452.370.1, Line 23, by deleting the brackets around the word "cohabits" and by deleting the word "**resides**"; and

Further amend said bill at page 17, section 454.496.8, lines 5-10, by deleting all of said lines.

HOUSE AMENDMENT NO. 5 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 7, Section 8, Line 14, by after the word "guidelines" add "." and delete the rest of the sentence.

HOUSE AMENDMENT NO. 6 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 2, Section 452.340, Line 5, by deleting lines 5-7 and inserting the following "(6) The reasonable work-related child care expenses of each parent."; and

Further amend the bill by deleting lines 18-23 and further delete lines 1 and 2 on page 3; and

Further amend page 2, line 9, by removing the brackets and deleting the colon, and further amend line 10, page 2 by deleting the "(1)" and the word "For" and replacing it with the word "for"; and

Further amend line 3 by deleting the word "his" and replacing it with the words "the child's".

PART 1 OF HOUSE AMENDMENT NO. 7 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 7, Section 452.340.8, Line 5, by deleting "adjusted" and inserting "published".

HOUSE AMENDMENT NO. 8 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 5, Section 352.340, Line 15, by deleting the words "**in lieu**" and inserting in lieu thereof the words "**as a credit reduction in the amount**"; and

Further amend said bill and section, page 5, line 21 by deleting the word "**children**" and inserting in lieu thereof the words "**that the best interest of the child is**"; and

Further amend said bill and section, page 5, line 23 by deleting the words "**to the contrary**" and inserting in lieu thereof the words "**that such contact is not in the best interest of the child**"; and

Further amend said bill, section 454.496.8, page 17 by deleting all of said subsection.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 4, Section 193.087, Line 30, by inserting after all of said line the following:

"5. Any affiant who intentionally misidentifies another person as a parent may be prosecuted for perjury, pursuant to section 575.040.

6. Due to lack of cooperation by public assistance recipients, the division shall either suspend the entire public assistance cash grant, or remove the needs of the adult recipient of public assistance from the cash grant, subject to good cause exceptions pursuant to federal law or regulations."

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Senator Schneider assumed the Chair.

Senator Jacob assumed the Chair.

PRIVILEGED MOTIONS

Senator Mathewson moved that the conferees on **HCS** for **SS** for **SCS** for **SB 165**, as amended, be allowed to exceed the differences in section 99.845, subsection 5, to add income tax withholding as a TIF funding source and subsection 7, to add the requirement of a concurrent resolution for project approval and in section 2, to add details to the disapproval process for certified investment companies.

Senator Goode offered a substitute motion that the conferees on **HCS** for **SS** for **SCS** for **SB 165**, as amended, be allowed to exceed the differences in section 99.845, subsection 7, to add the requirement of a concurrent resolution for project approval and in section 2 to add details to the disapproval process for certified investment companies.

Senator Mathewson requested a roll call vote be taken on both motions and was joined in his request by Senators Howard, Mueller, Sims and Singleton.

The substitute motion made by Senator Goode failed by the following vote:

Yeas--Senators

Ehlmann

Flotron

Goode

Howard

Jacob	Kenney	Kinder	Klarich
Mueller	Russell	Schneider	Sims
Singleton--13			

Nays--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Graves	House
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Rohrbach	Scott	Staples
Westfall	Wiggins	Yeckel--19	

Absent--Senators

Banks	Quick--2
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Absent with leave--Senators--None

The motion made by Senator Mathewson was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Flotron	Graves
House	Howard	Johnson	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--27	

Nays--Senators

Ehlmann	Goode	Jacob	Kenney
Mueller	Singleton--6		

Absent--Senators--Banks--1

Absent with leave--Senators--None

PRIVILEGED MOTIONS

Senator Maxwell moved that the Senate recede from its position on **SSA 1** for **SA 1** to **HJR 11**, which motion

prevailed.

On motion of Senator Maxwell, **HJR 11** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins

Yeckel--29

Nays--Senators

Graves Kinder--2

Absent--Senators

Banks Lybyer Staples--3

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Schneider, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 248**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 248

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Bill No. 248, with House Amendment Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, House Substitute Amendment No. 1 for

House Amendment No. 8, House Amendment Nos. 9, 10 and 11; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 248, as amended;
- 2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 248;
- 3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 248 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John Schneider /s/ Brian May
/s/ Harold Caskey /s/ Jim O'Toole
/s/ Joe Maxwell /s/ Karl DeMarce
/s/ Steve Ehlmann /s/ Luann Ridgeway
/s/ David J. Klarich /s/ Patrick Naeger

Senator Schneider moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins
Yeckel--29			

Nays--Senators--Curls--1			
Absent--Senators			
Banks	Clay	Kinder	Staples--4
Absent with leave--Senators--None			

On motion of Senator Schneider, **CCS** for **HCS** for **SS** for **SB 248**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 248

An Act to repeal sections 115.575, 217.730, 302.225, 374.715, 429.470, 429.490, 476.010, 476.050, 476.055, 509.030, 511.500, 513.045, 543.335, 545.040, 545.050, 545.060, 545.070, 545.240, 545.270 and 559.615, RSMo 1994, sections 217.305, 476.083, 476.385, 477.600, 478.466, 488.015, 488.020, 512.050, 559.027, 559.029 and 577.051, RSMo Supp. 1996, sections 56.765, 57.290, 67.133, 429.090, 429.120, 452.345, 476.053, 479.260, 511.510 and 590.140, as versions of such sections appear in RSMo 1994 and in RSMo Supp. 1996, and section 595.045, RSMo Supp. 1996, contained in house committee substitute for senate bill no. 769, truly agreed to and finally passed by the second regular session of the eighty-eighth general assembly, relating to courts, and to enact in lieu thereof fifty new sections relating to the same subject, with an emergency clause and an expiration date for a certain section.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Lybyer	Mathewson	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--27	

Nays--Senators--Curls--1

Absent--Senators

Banks	Clay	Flotron	Kinder
Maxwell	Staples--6		

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna

Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Wiggins	Yeckel--26		
	Nays--Senators		
Howard	Westfall--2		
	Absent--Senators		
Banks	Clay	Curls	DePasco
Maxwell	Staples--6		
	Absent with leave--Senators--None		

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HCS** for **HB 411**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon and the conferees be allowed to exceed the differences.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HB 411**, as amended, and grant the House a conference thereon and that the conferees be allowed to exceed the differences on **SA 1**, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HB 411**, as amended: Senators Caskey, Curls, Maxwell, Ehlmann and Bentley.

REPORTS OF STANDING COMMITTEES

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HS** for **HB 373**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 881, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Raymond Haller, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 882, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Roberts, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 883, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Morton, Blue Springs, which was adopted.

Senator Ehlmann offered Senate Resolution No. 884, regarding Nicole Conant, which was adopted.

Senator Ehlmann offered Senate Resolution No. 885, regarding Natalie Conant, which was adopted.

Senator Mathewson offered Senate Resolution No. 886, regarding Matthew Cover, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Johnson introduced to the Senate, one hundred fifteen fourth grade students from English Landing School, Kansas City; and Timila Echols, Daniel Fagan, Zachary Schelp and Whitney Pruettinc were made honorary pages.

Senator Sims introduced to the Senate, eighty-five fourth grade students from Wyland School, St. Louis; and Brad Boner, Tommy Hunter, Samantha Martinez and Tyler Tiepelman were made honorary pages.

Senator Sims introduced to the Senate, sixty-one students from Willow Brook Elementary School, Creve Coeur; and Clinton E. Kozemski, Terrell L. Reynolds, Dedrick A. Archer and Laurie M. Baker were made honorary pages.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Friday, May 16, 1997.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SECOND DAY--FRIDAY, MAY 16, 1997

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, let these last hours be the best in this year's session. Let the decisions made, the reports given, the debate presented and the votes taken be done with all of the best that is in us. Thank You for the support You have provided. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 887, regarding Robert L. Rice, which was adopted.

Senator Curls offered Senate Resolution No. 888, regarding Reverend Abraham Ophel DeLove, which was adopted.

Senator Curls offered Senate Resolution No. 889, regarding Felecia Demyers, which was adopted.

Senator Curls offered Senate Resolution No. 890, regarding Brandon Whitney, which was adopted.

Senator Curls offered Senate Resolution No. 891, regarding Joy Brown, which was adopted.

Senator Lybyer offered Senate Resolution No. 892, regarding Briggs & Stratton Corporation, Rolla, which was adopted.

Senator Kenney offered Senate Resolution No. 893, regarding the Sixty-sixth Birthday of Reverend Charles J. Briscoe, Kansas City, which was adopted.

HOUSE BILLS ON THIRD READING

HB 379, with **SCS**, introduced by Representative Franklin, entitled:

An Act to repeal sections 306.031, 306.060, 306.122, 306.125, 306.126, 306.142, 306.147, 306.221, 306.550 and 306.903, RSMo Supp. 1996, relating to watercraft, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up by Senator Childers.

SCS for **HB 379**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 379

An Act to repeal sections 306.031, 306.060, 306.122, 306.125, 306.126, 306.142, 306.147, 306.221, 306.550 and 306.903, RSMo Supp. 1996, relating to watercraft, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up.

Senator Childers moved that **SCS** for **HB 379** be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **HB 379** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Clay Curls Maxwell Schneider--4

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Westfall	Wiggins	Yeckel--28

Nays--Senators--None

Absent--Senators

Childers	Clay	Maxwell	Schneider
Singleton	Staples--6		

Absent with leave--Senators--None

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 3 on **HCS** for **HBs 600** and **388**, as amended, and has taken up and passed **CCS** for **HCS** for **HBs 600** and **388**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HCS** for **HBs 641** and **593**, as amended: Representatives: Fitzwater, Stoll, McLuckie, Hartzler (123) and McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House conferees on **HCS** for **SS** for **SCS** for **SB 165**, as amended, are allowed to exceed the differences in Section 99.845, Subsection 5, to add income tax withholding as a TIF Funding source and Subsection 7, to add the requirement of a concurrent resolution for project approval and in Section 2, to add details to the disapproval process for certified investment companies.

PRIVILEGED MOTIONS

Senator Banks moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 32**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Rohrbach, on behalf of the conference committee appointed to act with a like committee from the House on **SB 358**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE BILL NO. 358

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Bill No. 358, with House Committee Amendments Nos. 1, 2, & 3 and House Amendments Nos. 1, 2, & 3; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendment No. 3;
2. That the Senate recede from its position on House Committee Amendments Nos. 1, 2 & 3 and House Amendments Nos. 1 & 2;
3. That Senate Bill No. 358, with House Committee Amendments Nos. 1, 2 & 3 and House Amendments Nos. 1 & 2, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Phil B. Curls, Sr. /s/ Bill Gratz

/s/ Jerry Howard /s/ Bill Luetkenhaus

/s/ Ken Jacob /s/ Pat Dougherty

/s/ Betty Sims /s/ John E. Griesheimer

/s/ Larry Rohrbach /s/ Vicky Hartzler

Senator Rohrbach moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators--None

Absent--Senators

Banks	Clay	Curls	Mathewson--4
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Absent with leave--Senators--None

On motion of Senator Rohrbach, **SB 358**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Banks	Clay	Curls--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **SA 1**, **SA 1**, as amended, to **HCS** for **HJR 1** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HBs 69** and **179** and **HCS** for **HB 669**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HBs 69** and **179** and **HCS** for **HB 669**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 259** and has taken up and passed **CCS** for **SS** for **SCS** for **HB 259**.

CONFERENCE COMMITTEE REPORTS

Senator Howard, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **HBs 600** and **388**, as amended, submitted the following conference committee report no. 3:

CONFERENCE COMMITTEE REPORT NO. 3 ON HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 600 and 388

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for House Bills Nos. 600 and 388, with Senate Committee Amendment No. 1, Senate Committee Amendment No. 2 and Senate Amendment No. 1; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for House Bills Nos. 600 and 388, with Senate Committee Amendment No. 1, Senate Committee Amendment No. 2 and Senate Amendment No. 1;
2. That the House recede from its position on House Committee Substitute for House Bills Nos. 600 and 388;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for House Bills Nos. 600 and 388 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jerry Howard /s/ Paula J. Carter

/s/ William Clay /s/ Tim Harlan

/s/ J.B. Banks /s/ Bill Luetkenhaus

/s/ Betty Sims /s/ Mary Lou Sallee

David Klarich /s/ Chuck Wooten

Senator Howard moved that the above conference committee report no. 3 be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Curls	McKenna	Schneider--3
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Absent with leave--Senators--None

On motion of Senator Howard, **CCS No. 2** for **HCS** for **HBs 600** and **388**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 600 and 388

An Act to repeal sections 191.331 and 376.995, RSMo Supp. 1996, and sections 376.1399 and 536.028 from senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly and section 14 from senate amendment no. 26 to senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly, relating to limited mandate health insurance act, and to enact in lieu thereof five new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 32**, as amended: Senators Banks, Jacob, Maxwell, Singleton and Mueller.

REFERRALS

President Pro Tem McKenna referred **HS** for **HB 373**, with **SCS**, to the Committee on State Budget Control.

President Wilson assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Flotron, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 259**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 259

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Bill No. 259, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 259;

2. That the House recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 259;

3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Phil B. Curls, Sr. /s/ Chris Liese

/s/ Wayne Goode /s/ Tim Van Zandt

/s/ Larry Rohrbach /s/ Tom Bauer

/s/ Jim Mathewson /s/ Laurie Donovan

/s/ Franc Flotron /s/ T. Mark Elliott

Senator Flotron moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Curls Mathewson--2

Absent with leave--Senators--None

On motion of Senator Flotron, **CCS** for **SS** for **SCS** for **HB 259**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 259

An Act to repeal section 409.402, RSMo 1994, and section 409.401 as enacted by house committee substitute for

senate bill no. 375 of the first regular session of the eighty-ninth general assembly, relating to settlement of life insurance policies, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Mathewson--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Schneider, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HBs 69** and **179** and **HCS** for **HB 669**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 69 AND 179 AND
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 669

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 69 and 179 and House Committee Substitute for House Bill No. 669 as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 69 and 179 and House Committee Substitute for House Bill No. 669, as amended by Senate Amendment Nos. 2, 3, 5, 8 and 9;
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bills Nos. 69 and 179 and House Committee Substitute for House Bill No. 669;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ John D. Schneider /s/ Craig Hosmer

/s/ Harold Caskey /s/ David Reynolds

/s/ Wayne Goode /s/ Carol Stroker

/s/ Steve Ehlmann /s/ Bill Alter

/s/ David Klarich /s/ Larry Crawford

Senator Schneider moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Banks Curls--2

Absent with leave--Senators--None

On motion of Senator Schneider, **CCS** for **SCS** for **HS** for **HCS** for **HBs 69** and **179** and **HCS** for **HB 669**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 69 AND 179 AND

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 669

An Act to repeal section 70.820, RSMo 1994, and section 544.157, RSMo Supp. 1996, relating to peace officers, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Banks	Bentley	Curls--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Maxwell moved that the Senate refuse to concur in **HCS** for **SS** for **SB 208**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SB 121**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 121

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, with House Amendment No. 1, House Amendment No. 1 to Part 2 of the House Substitute, House Amendment No. 2 to Part 2 of the House Substitute, House Substitute Amendment No. 1 for House Amendment No. 4 to Part 2 of the House Substitute and House Substitute Amendment No. 1 for House Amendment No. 3; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 121;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Harold Caskey /s/ Deleta Williams

/s/ Phil B. Curls, Sr. /s/ Phil Smith

/s/ Harry Wiggins /s/ Craig Hosmer

Sam Graves /s/ Cindy Ostmann

/s/ Betty Sims /s/ Laurie Donovan

Senator Caskey moved that the above conference committee report be adopted.

Senator Graves raised the point of order that the conference committee report on **HS** for **HCS** for **SS** for **SB 121**, as amended, is out of order as the conference committee report exceeds the differences between the two houses.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Caskey moved that the conference committee report on **HS** for **HCS** for **SS** for **SB 121**, as amended, be

adopted.

Senator Graves offered a substitute motion that the Senate refuse to adopt the conference committee report on **HS** for **HCS** for **SS** for **SB 121**, as amended, and request the House to grant further conference and that the conferees be bound by any inspection language adopted by the House.

Senator Caskey requested a roll call vote be taken on the adoption of the substitute motion and was joined in his request by Senators Ehlmann, Mathewson, Quick and Singleton.

The substitute motion made by Senator Graves failed of adoption by the following vote:

Yeas--Senators

Ehlmann	Flotron	Graves	Johnson
Kenney	Kinder	Klarich	Lybyer
Mueller	Rohrbach	Russell	Schneider
Sims	Staples	Yeckel--15	

Nays--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Goode
House	Howard	Jacob	Mathewson
McKenna	Quick	Scott	Singleton
Westfall	Wiggins--18		

Absent--Senators--Maxwell--1

Absent with leave--Senators--None

President Pro Tem McKenna assumed the Chair.

At the request of Senator Caskey, the motion to adopt the conference committee report was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 32**, as amended:
Representatives: Bland, Crump, Treadway, Griesheimer and Holand.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HCS** for **HB 411**, as amended:
Representatives: Dougherty, Gunn, Troupe, Kelley (47) and Gibbons.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 208**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SB 208**, as amended: Representatives: Scheve, Farnen, Campbell, Ross and Pouche.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCR 21** and has again taken up and passed **SS** for **HCR 21**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SS** for **SB 97**, as amended, and has taken up and passed **HS** for **SS** for **SB 97** as amended by the **CCR**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 21**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up an adopted **SCR 26**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 358**, as amended, and has taken up and passed **SB 358**, as amended.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 208**, as amended: Senators Maxwell, Jacob, DePasco, Bentley and Sims.

CONFERENCE COMMITTEE REPORTS

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 165**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 165

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 22, House Amendment No. 23 with House Amendment No. 1 to House Amendment No. 23, House Amendment No. 24, House Amendment No. 25 with House Amendments Nos. 1 and 2 to House Amendment No. 25, House Amendments Nos. 26, 28, House Substitute Amendment No. 1 to House Amendment No. 30, House Amendments Nos. 31, 32 and 34; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 165;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ James Mathewson /s/ Henry Rizzo

/s/ Ronnie DePasco /s/ May Scheve

/s/ John E. Scott /s/ Phil Tate

/s/ Peter Kinder /s/ Bonnie Sue Cooper

/s/ Doyle Childers /s/ Fred Pouche

On behalf of the conference committee, Senator Mathewson offered **SPA 1**:

SENATE PERFECTING AMENDMENT NO. 1

Amend Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 47, Section 99.845, Line 20, by deleting the word "or" after the word "constitution" in said line and inserting the following: ". Beginning January 1, 1998, for the purposes of this section, "levies upon real property in such redevelopment project by taxing districts" shall not include:"; and

Add the following Section to the end of the bill:

"Section 47. Two commissioners shall be appointed to the Jackson County Sports Complex Authority in addition to the five commissioners authorized in section 64.930, RSMo. Such commissioners shall be appointed to serve one-year terms. One commissioner authorized by the provisions of this section shall be the mayor of Kansas City or the mayor's designee. Such designee shall be an elected member of the Kansas City Council. One commissioner authorized by the provisions of this section shall be the chairman of the Jackson County Legislature or the chairman's designee. Such designee shall be an elected member of the Jackson County Legislature."

Senator Mathewson moved that the above perfecting amendment be adopted, which motion prevailed.

Senator Mathewson moved that the conference committee report, as amended, be adopted.

At the request of Senator Mathewson, the motion to adopt the conference committee report was withdrawn.

On motion of Senator Quick, the Senate recessed for 45 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

The President announced that photographers from the Associated Press and KOLR-TV had been given permission to take pictures in the Senate Chamber today.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 491**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 491**.

Senator Scott requested leave of the Senate for the Committee on State Budget Control to meet while the Senate is in session, which request was granted.

CONFERENCE COMMITTEE REPORTS

Senator Banks, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 491**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 491

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Bill No. 491, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 491, with Senate Substitute Amendment No. 1 for Senate Amendment No. 1, as amended by Senate Amendment No. 3 to Senate Substitute Amendment No. 1 for Senate Amendment No. 1, Senate Amendment No. 7 to Senate Substitute Amendment No. 1 for Senate Amendment No. 1, Senate Amendment No. 11 to Senate Substitute Amendment No. 1 for Senate Amendment No. 1, Senate Amendment No. 12 to Senate Substitute Amendment No. 1 for Senate Amendment No. 1 and Senate Amendment No. 15 to Senate Substitute Amendment No. 1 for Senate Amendment No. 1; Senate Substitute Amendment No. 1 for Senate Amendment No. 2 as amended by Senate Amendment No. 1 to Senate Substitute Amendment No. 1 for Senate Amendment No. 2; Senate Amendment No. 3; Senate Amendment No. 4; Senate Amendment No. 5; Senate Amendment No. 8; and Senate Amendment No. 9;

2. That the House recede from its position on House Bill No. 491;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 491 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ J.B. "Jet" Banks /s/ Steve Gaw

/s/ John E. Scott /s/ Nancy Farmer

/s/ Jim Mathewson /s/ May Scheve

Franc Flotron Bonnie Sue Cooper

David Klarich Rich Chrismer

Senator Wiggins resumed the Chair.

Senator Banks moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators

Flotron	Kenney	Russell--3
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Absent--Senators--Bentley--1

Absent with leave--Senators--None

President Wilson resumed the Chair.

On motion of Senator Banks, **CCS** for **SS** for **SCS** for **HB 491**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 491

An Act to repeal section 143.124, RSMo 1994, and section 144.030, RSMo Supp. 1996, relating to taxation, and to enact in lieu thereof five new sections relating to the same subject, with an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Schneider moved that **SS** for **SCS** for **SBs 386** and **372**, with **HS** for **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Scott assumed the Chair.

HS for **HCS** for **SS** for **SCS** for **SBs 386** and **372**, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 386 and 372

An Act to repeal sections 37.010, 103.059, 536.021, 536.022, 536.023 and 536.041, RSMo 1994, and sections 8.710, 29.100, 33.090, 34.050, 36.060, 36.070, 41.948, 43.509, 66.380, 160.272, 161.102, 173.081, 192.006, 207.021, 260.225, 262.470, 276.406, 287.650, 326.110, 333.111, 337.050, 361.105, 374.045, 454.400, 536.024, 536.025, 536.050, 620.010, 620.125, 630.050, 633.190, 640.010, 640.755, 643.050, 644.026, 650.005 and 660.017, RSMo Supp. 1996, and

section 32.125, as both versions of such section appear in RSMo Supp. 1996, and sections 376.1399 and 536.028 from senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly and section 14 from senate amendment no. 26 to senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly, relating to rulemaking, and to enact in lieu thereof fifty new sections relating to the same subject, with an emergency clause for certain sections.

Was taken up.

Senator Schneider moved that **HS** for **HCS** for **SS** for **SCS** for **SBs 386** and **372** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Banks	Clay--2
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Absent with leave--Senators--None

On motion of Senator Schneider, **HS** for **HCS** for **SS** for **SCS** for **SBs 386** and **372** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton

Staples	Westfall	Wiggins	Yeckel--32
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Nays--Senators--None

Absent--Senators

Banks	Clay--2
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Curls
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Banks	Clay	Ehlmann--3
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Absent with leave--Senators--None

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Mathewson moved that the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 165**, as amended, be adopted.

At the request of Senator Mathewson, the motion for the adoption of the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 165**, as amended, was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee report on **SS** for **HS** for **HB 811** as amended and has taken up and passed **CCS** for **SS** for **HS** for **HB 811**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee report on **SS** for **HCS** for **HBs 641** and **593** as amended and has taken up and passed **SS** for **HCS** for **HBs 641** and **593** as amended by the Conference Committee Report.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 379** and has again taken up and passed **SCS** for **HB 379**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 25**, as amended.

With House Committee Amendment No. 1, House Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 25, Page 1, Line 7 from the bottom of the page, by inserting immediately before the word "thirteen" the words "at least"; and

Further amend said resolution, page 2, Line 4 from the top of the page, by inserting immediately after the word "appoint" the words "at least"; and

Further amend said resolution, page 2, Line 6 from the bottom of the page, by striking the word "Speaker" and inserting in lieu thereof the word "President".

HOUSE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 25, Page 2, Lines 11 and 12, by deleting the words ", but not be limited to," from said lines.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **HCS** for **HB 288** as amended and requests a further conference on **HCS** for **HB 288**.

CONFERENCE COMMITTEE REPORTS

Senator Quick, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HS** for **HB 811**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 811

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for House Substitute for House Bill No. 811, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Substitute Amendment No. 1 for Senate Amendment No. 4 and Senate Amendment No. 5; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Substitute for House Bill No. 811, as amended;
2. That the House recede from its position on House Substitute for House Bill No. 811;
3. That the attached Conference Committee Substitute for Senate Substitute for House Substitute for House Bill No. 811 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Ed Quick /s/ Scott B. Lakin

/s/ Danny Staples /s/ Sheila Lumpe

/s/ Harold Caskey /s/ Gary Wiggins

/s/ Betty Sims /s/ Emmy McClelland

Anita Yeckel /s/ Laurie Donovan

Senator Quick moved that the above conference committee report be adopted.

At the request of Senator Quick, the motion to adopt the conference committee report was withdrawn.

Senator Caskey moved that the conference committee report on **HS** for **HCS** for **SS** for **SB 121**, as amended, be taken up and adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

Nays--Senators

Graves Kenney Klarich Rohrbach--4

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Caskey, **CCS** for **HS** for **HCS** for **SS** for **SB 121**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 121

An Act to repeal sections 307.173 and 307.178, RSMo 1994, and section 301.030, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions and an effective date for a certain section.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--Rohrbach--1

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Bentley, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HCS** for **HBs 641** and **593**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 641 AND 593

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for House Committee Substitute for House Bills Nos. 641 and 593 with Senate Amendments Nos. 1, 2, 3, 4, 5, with Senate Amendment No. 1, 6 and 8; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Amendment No. 8 to Senate Substitute for House Committee Substitute for House Bills Nos. 641 and 593 as amended;

2. That Senate Substitute for House Committee Substitute for House Bills Nos. 641 and 593 with Senate Amendments Nos. 1, 2, 3, 4, 5 as amended and 6 and with the attached Conference Committee Amendment be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Bill McKenna /s/ Rodger Fitzwater

/s/ Walt Mueller /s/ Steve McLuckie

/s/ Ted House /s/ Stephen Stoll

/s/ Roseann Bentley /s/ Ed Hartzler

/s/ Harold Caskey /s/ Emmy McClelland

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 641 and 593, Page 1, In the Title, Line 3 of said title, by deleting the word "section" and inserting in lieu thereof the following: "sections 167.117 and"; and

Further amend said bill, Page 1, In the Title, Line 5 of said title, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 2 of said section, by deleting the word "section" and inserting in lieu thereof the following: "sections 167.117 and"; and

Further amend said bill, Page 1, Section A, Line 3 of said section, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 4 of said section, by inserting immediately after the number "162.975," the number "167.117,"; and

Further amend said bill, Page 8, Section 167.126, Line 1 of said section, by inserting before all of said line the following:

"167.117. 1. In any instance when any person is believed to have committed an act which if committed by an adult would be assault in the first, second or third degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent, **except in any instance when any person is believed to have committed an act which if committed by an adult would be assault in the third degree and a written agreement as to the procedure for the reporting of such incidents of third degree assault has been executed between the superintendent of the school district and the appropriate local law enforcement agency, the principal shall report such incident to the appropriate local law enforcement agency in accordance with such agreement.**

2. In any instance when a pupil is discovered to have on or about such pupil's person, or among such pupil's possessions, or placed elsewhere on the school premises, any controlled substance as defined in section 195.010, RSMo, or any weapon as defined in subsection 4 of section 160.261, RSMo, in violation of school policy, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent.

3. In any instance when a teacher becomes aware of an assault as set forth in subsection 1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth in subsection 2 of this section, the teacher shall immediately report such incident to the principal.

4. A school employee, superintendent or such person's designee who in good faith provides information to police under subsection 1 or 2 of this section shall not be civilly liable for providing such information.

5. Any school official responsible for reporting pursuant to this section or section 160.261, RSMo, who willfully neglects or refuses to perform this duty shall be subject to the penalty established pursuant to section 162.091, RSMo.".; and

Further amend said substitute, Page 12, Section 1, Lines 5 and 6 of said page by deleting the words "**and section 536.028, RSMo,**".

Senator Bentley moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

Nays--Senators--None

Absent--Senators--Klarich--1

Absent with leave--Senators--None

On motion of Senator Bentley, **SS** for **HCS** for **HBs 641** and **593**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Mathewson moved that the conference committee report on **HCS** for **SS** for **SCS** for **SB 165**, as amended, be taken up and adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Graves
House	Jacob	Johnson	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Russell	Scott	Sims

Staples	Westfall	Wiggins	Yeckel--24
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Nays--Senators

Ehlmann	Flotron	Goode	Howard
Kenney	Mueller	Rohrbach	Schneider
Singleton--9			

Absent--Senators--Quick--1

Absent with leave--Senators--None

On motion of Senator Mathewson, **CCS** for **HCS** for **SS** for **SCS** for **SB 165**, as amended by the conference committee report, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 165

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 64.930, 64.950, 70.385, 70.390, 99.340, 99.805, 99.810, 99.820, 99.825, 99.830, 99.835, 99.845, 99.865, 100.255, 100.264, 100.275, 100.297, 135.208, 143.805, 178.896, 253.401, 327.031, 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760, 393.770, 620.1072 and 620.1078, RSMo 1994, and sections 100.296, 100.840, 135.100, 135.200, 135.225, 135.230, 135.247, 135.352, 135.400, 135.403, 135.405, 135.460, 135.500, 135.503, 135.508, 135.516, 143.451, 178.895, 447.710 and 620.1039, RSMo Supp. 1996, relating to the department of economic development and economic development incentive programs, and to enact in lieu thereof one hundred twenty-eight new sections relating to the same subject, with an effective date and a termination date for certain sections.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	House
Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Russell	Scott	Sims	Westfall
Wiggins	Yeckel--22		

Nays--Senators

Ehlmann	Flotron	Goode	Howard
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Jacob	Kenney	Mueller	Rohrbach
Schneider	Singleton--10		
	Absent--Senators		
Graves	Staples--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 21**, as amended, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 21

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 21, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 21, as amended;
2. That the Senate recede from its position on Senate Bill No. 21;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 21 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer	/s/ Thomas J. Hoppe
/s/ Sidney Johnson	/s/ Craig Hosmer
/s/ William Clay	/s/ Jim Kreider
/s/ Roseann Bentley	/s/ Marilyn Edwards-Pavia
/s/ Doyle Childers	/s/ Jim Froelker

Senator Lybyer moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Ehlmann	House	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--24

Nays--Senators

Flotron	Goode	Graves	Howard
Jacob	Kenney	Mueller	Rohrbach--8

Absent--Senators

Curls	DePasco--2
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Absent with leave--Senators--None

On motion of Senator Lybyer, **CCS** for **HS** for **HCS** for **SB 21**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 21

An Act to repeal sections 67.671 and 321.300, RSMo 1994, and sections 67.1300 and 321.244, RSMo Supp. 1996, relating to sales taxes for economic development and tourism, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with an emergency clause.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	House
Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Russell	Schneider	Scott	Sims
Staples	Westfall	Wiggins	Yeckel--24

Nays--Senators

Ehlmann	Flotron	Goode	Graves
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Howard	Jacob	Kenney	Mueller
Rohrbach	Singleton--10		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	Yeas--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	House	Howard
Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Russell	Schneider	Scott	Sims
Staples	Westfall	Wiggins--23	

	Nays--Senators		
Ehlmann	Flotron	Goode	Graves
Jacob	Kenney	Mueller	Rohrbach
Singleton	Yeckel--10		

Absent--Senators--Banks--1

Absent with leave--Senators--None

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HB 390**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HB 390**.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate grant the House further conference on **HCS** for **HB 288**, as amended, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Sims moved that **SCR 25**, with **HCA 1** and **HA 1** be taken up for adoption, which motion prevailed.

HCA 1 was taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Banks	Lybyer--2
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Absent with leave--Senators--None

HA 1 was taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Nays--Senators--None

Absent--Senators

Banks Lybyer--2

Absent with leave--Senators--None

Senator Sims moved that **SCR 25**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

Nays--Senators--None

Absent--Senators

Banks Lybyer Staples--3

Absent with leave--Senators--None

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **HB 288**, as amended: Senators Goode, Caskey, Maxwell, Flotron and Ehlmann.

CONFERENCE COMMITTEE REPORTS

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 208**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 208

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Bill No. 208, with House Amendments Nos. 2, and 3; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 208, as amended;
- 2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 208;
- 3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 208 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Joe Maxwell /s/ May Scheve

Ken Jacob /s/ Ted Farnen

/s/ Ronnie DePasco /s/ Marsha Campbell

/s/ Roseann Bentley /s/ C. Ross

/s/ Betty Sims /s/ Fred Pouche

Senator Maxwell moved that the above conference committee report be adopted.

Senator Jacob raised the point of order that the conference committee report on **HCS** for **SS** for **SB 208**, as amended, is out of order as it exceeds the scope of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Maxwell, the motion to adopt the conference committee report was withdrawn.

Senator Quick moved that the rules be suspended and the conference committee report on **SS** for **HS** for **HB 811**, as amended, be allowed to exceed the differences and the conference committee report be adopted.

At the request of Senator Kenney, the motion was divided; Part 1 to be the suspension of the rules and Part 2 to be the adoption of the conference committee report.

Senator Quick moved that Part 1 of his motion be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Goode
House	Howard	Jacob	Johnson
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Schneider	Scott
Sims	Staples	Wiggins--23	

Nays--Senators

Ehlmann	Flotron	Graves	Kenney
Kinder	Mueller	Rohrbach	Russell
Singleton	Westfall	Yeckel--11	

Absent--Senators--None

Absent with leave--Senators--None

Senator Kinder raised the point of order that on verification of the roll, Senator Childers' vote should have been changed from "aye" to "no" as he had requested.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Quick moved that Part 2 of his motion be adopted.

Senator Kinder was recognized to interrogate Senator Kenney.

Senator Kinder yielded the floor to Senator Caskey for the sole purpose of making a privileged motion, maintaining that he would retain the floor after the privileged motion was disposed of.

PRIVILEGED MOTIONS

Senator Caskey moved that **SS** for **SB 361**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 361**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 361

An Act to repeal sections 193.085, 193.087, 193.145, 193.215, 210.822, 210.832, 210.834, 210.839, 210.841, 210.842, 285.300, 285.302, 285.304, 288.250, 301.020, 301.190, 379.116, 451.040, 452.305, 452.315, 452.345, 452.350, 452.370, 454.410, 454.415, 454.425, 454.440, 454.500, 454.455, 454.460, 454.465, 454.470, 454.475, 454.476, 454.485, 454.490, 454.495, 454.496, 454.505, 454.512, 454.513, 454.514, 454.515, 454.516, 454.517, 454.518, 454.519, 454.603, 454.808, 486.225 and 620.145, RSMo 1994, and sections 210.842, 452.340, 452.345, 454.400, 454.850, 454.855, 454.860, 454.862, 454.867, 454.869, 454.871, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.927, 454.930, 454.932, 454.935, 454.937, 454.940, 454.942, 454.945, 454.947, 454.950, 454.952, 454.955, 454.957, 454.960, 454.962, 454.965, 454.967, 454.970, 454.972, 454.975, 454.977, 454.979, and 454.980, RSMo Supp. 1996, and to enact in lieu thereof one hundred thirty-seven new sections for the purpose of complying with federal mandates for child support enforcement, with penalty provisions, an effective date for certain sections and an emergency clause.

Was taken up.

Senator Caskey requested unanimous consent of the Senate to suspend the rules to adopt the **HCS**, as amended, 3rd read the bill and adopt the emergency clause with one vote, which request was granted.

On motion of Senator Caskey, **HCS** for **SS** for **SB 361**, as amended, was adopted, read the 3rd time and finally

passed and the emergency clause adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Senator Kinder was again recognized.

Senator Kinder sought recognition to yield the floor to Senator Caskey for the purpose of making another privileged motion.

Senator Maxwell raised the point of order that the floor cannot be passed from one Senator to another.

The point of order was referred to the President Pro Tem, who ruled it well taken.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 248**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SB 248**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 165**, as amended by the **SPA 1**, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 165**, as amended by the Conference Committee Report.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SB 121**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SB 121**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 216**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HS** for **HCS** for **SB 21**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SB 21**.

Emergency clause adopted.

Bill ordered enrolled.

RESOLUTIONS

Senator Clay offered Senate Resolution No. 894, regarding Rich Gray, Florissant, which was adopted.

Senator Wiggins offered Senate Resolution No. 895, regarding Megan Tinkey, Kansas City, which was adopted.

Senator Westfall offered Senate Resolution No. 896, regarding Mendi Russell, El Dorado Springs, which was adopted.

Senator Westfall offered Senate Resolution No. 897, regarding Rachel Blaser, which was adopted.

Senator Curls offered Senate Resolution No. 898, regarding the African Environmental Research and Consulting Group, which was adopted.

Senator Quick offered Senate Resolution No. 899, regarding David R. Hobbs, Liberty, which was adopted.

COMMUNICATIONS

Senator Caskey submitted the following:

May 16, 1997

Secretary of Senate

Senate Post Office

State Capitol

Jefferson City, MO

Dear Ms. Spieler:

Senators from St. Louis County have requested permission to form a "St. Louis County Legislative Caucus".

Rule 102 provides, inter alia, that participation of members, officers and staff in activities authorized in section 105.470.4(2)(c), RSMo., will not come under the provisions of the Rule.

Sections 105.470.4(2)(c), RSMo. authorize the activities of caucuses of the Senate or House, but requires that those caucuses be approved by the Ethics Committee of the respective chamber. This caucus was approved unanimously by the Ethics Committee.

Very truly yours,

/s/ Harold L. Caskey

Harold L. Caskey

Chairman, Ethics Committee

Also,

May 16, 1997

Ms. Terry Spieler

Secretary of Senate

Senate Post Office

State Capitol

Jefferson City, MO

Dear Ms. Spieler:

The women in the Missouri Senate have requested permission to form a "Senate Women's Caucus".

Rule 102 provides, inter alia, that participation of members, officers and staff in activities authorized in section 105.470.4(2)(c), RSMo., will not come under the provisions of the Rule.

Sections 105.470.4(2)(c), RSMo. authorize the activities of caucuses of the Senate or House, but requires that those caucuses be approved by the Ethics Committee of the respective chamber. This caucus was approved unanimously by the Ethics Committee.

Very truly yours,

/s/ Harold L. Caskey

Harold L. Caskey

Chairman, Ethics Committee

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, the Physician of the Day, Susan Butler, M.D., California.

Senator Rohrbach introduced to the Senate, Ryan Gore, Lake Ozark; and Ryan was made an honorary page.

On motion of Senator Quick, the Senate adjourned until 1:00 p.m., Tuesday, May 20, 1997.